

PUBLIC HEARING
REQUIREMENTS FOR PERMIT FOR
POWER COMPANY POLLUTANTS
STATE AIR POLLUTION CONTROL BOARD
MIRANT - POTOMAC RIVER GENERATING SYSTEM
PROPOSED 2 STACK OPERATING PERMIT

Friday, January 25, 2008

Held at: Holiday Inn

2460 Eisenhower Avenue

Alexandria, Virginia 22314

1 B O A R D M E M B E R S

2 Vivian E. Thompson, Vice-Chair, Air Board

3 Cindy Berndt (Announcing Speakers)

4 John N. Hanson, Member, Air Board

5 Hullihen W. Moore, Member, Air Board

6 Bruce C. Buckheit, Member, Air Board

7 David K. Paylor, Director, DEQ

8 Carl Josephson, Attorney General's Office

9

10 ALSO PRESENT:

11 Terry Darton, DEQ

12 Michael Dowd

13 Michael Kiss

14 Thomas A. Faha

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1 P U B L I C S P E A K E R S

2 Tim Aiken

3 Del Pepper

4 Paul Smedberg

5 Stella M. Koch

6 Bill Skrabak

7 John Britton

8 Mike Stumpf

9 Victoria Gross

10 Dexter Hansford

11 Ernest Lehman

12 Julie Crenshaw Van Fleet

13 Christa Watters

14 Elizabeth Chimento

15 Arthur Rundol, III

16 Chip Drury

17 Ronald G. Kirby

18 Ralph Hunt

19 Gwen Cooks

20 James Taylor

21 Richard Effler

22 William White

1 P U B L I C S P E A K E R S

2 Christopher Daucette

3 Roger Waud

4 Patricia Smith

5 Debra Johnson

6 Beverly Fourier

7 Dr. Ana Prados

8 Bahri Aliriza

9 Paul Hertel

10 Cindy Patterson

11 Susan Brown

12 Jessica Miller

13 Katy Cannady

14 Marry Harris

15 Judy Miller

16 Vince Petirni

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1 P R O C E E D I N G S

2 JOHN HANSON: I'm John Hanson, I'm from
3 Alexandria.

4 HULLIHEN MOORE: I'm HULLIHEN Moore,
5 from Richmond, Virginia.

6 VIVIAN THOMPSON: Vivian Thompson,
7 Charlottesville, Virginia.

8 BRUCE BUCKHEIT: Bruce Buckheit from
9 Fairfax.

10 VIVIAN THOMPSON: As our first -- I'm
11 sorry.

12 DAVID PAYLOR: I'm David Paylor, I'm the
13 DEQ director.

14 CARL JOSEPHSON: Carl Josephson,
15 Attorney General's Office.

16 VIVIAN THOMPSON: We have as our first
17 agenda item a presentation by DEQ staff. I believe
18 the Northern Virginia DEQ office will be conducting
19 this briefing, Mr. Faha and Mr. Darton.

20 THOMAS FAHA: Good afternoon members of
21 the Board and ladies and gentlemen. My name is Tom
22 Faha. I'm the Regional Director for the northern

1 regional office of DEQ.

2 On the agenda it shows that we were
3 going to take the questions and answers. Given the
4 late start and the number of folks that have
5 attended the hearing, I and my staff will stay after
6 close of the hearing to answer anyone's questions
7 the best we can.

8 Mr. Darton, Terry Darton, our air permit
9 manager, will now make a presentation, sort of an
10 overview of the two stack permit.

11 Thank you.

12 TERRY DARTON: Good afternoon members of
13 the Board and ladies and gentlemen, as Mr. Faha
14 said, my name is Terry Darton, I'm the regional
15 permit manager for the northern regional office for
16 the Department of Environmental Quality.

17 Today's permit briefing will provide you
18 with the salient points of the draft two stage
19 permit that comments will be taken on later this
20 afternoon.

21 This permit is designed to be effective
22 upon completion of the proposed stack merge project.

1 As drafted, the permit will impose hourly and annual
2 emission limits on the pollutants presented on the
3 slides. Unlike the June 1st, 2007, permit, this
4 permit imposes an SO₂ emission limit that is NAX
5 compliant for all operating scenarios.

6 The proposed annual emission limits
7 presented here are based on the June 1, 2007,
8 permit, the NO_x consent decree and 2002 facility
9 heat input and appropriate emission factors.

10 The proposed emission limits provide for
11 both NAX and SO_x compliance. The permit continues
12 the requirement for dry sorbent injection for the
13 reduction of SO₂ reductions. This permit also
14 continues the CEM requirements for SO₂ and NO_x and a
15 capacity monitoring system. A requirement has been
16 added for the placement of CEMs and a PM monitor
17 within 12 months.

18 Fugitive emissions -- excuse me,
19 fugitive emission controls are continued in this
20 permit and will be described a little bit later in
21 the presentation.

22 The permit additionally imposes

1 requirements to the facility for additional testing
2 as well as for monitoring, reporting and
3 record-keeping.

4 Modeling was performed for the
5 pollutants listed on the, here in the two stack
6 configuration and dispersion credit was granted for
7 the pollutants listed in the last bullet. PM 2.5 is
8 modeled using PM 10 (inaudible). I'll provide
9 additional information on PM 2.5 in a couple of the
10 slides later on.

11 As stated earlier, there are not any
12 operating scenarios in this permit, but rather
13 single limits for all operating scenarios based on 3
14 hour and 24 hour SO2 compliance rates. The
15 completion of the 24 hour SO2 complying rate goes
16 from 3.5 pound per million btu in 2008 to .3 pounds
17 per million btu in 2 -- beginning in 2009 and
18 continuing on out.

19 I'll give you a moment. This slide
20 repeats the requirement or the condition in the
21 permit that calls for an air quality analysis for
22 PM 2.5 from this facility once a methodology has

1 been determined and created by the Agency.

2 In order to address the PM 2.5 issue
3 State-wide, DEQ has proposed to form an
4 implementation work group. A request for
5 participation in this work group was published in
6 the regulatory town hall on January 2nd, 2008, and
7 applications are due no later than February 20 --
8 excuse me, February 4th, 2008, and if there are
9 questions or volunteers or additional information on
10 that, Mr. Mike Kiss of the Department of
11 Environmental Quality can be contacted and he will
12 be available if you're interested to get his phone
13 number and his mailing address.

14 It's anticipated that there will be a
15 wide range of parties that will participate in this
16 work group. DEQ staff will continue to review a
17 wide variety of sources of PM 2.5 implementation
18 information and policies in preparation for
19 participation in this work group.

20 On February 20th there will be a State
21 Implementation Plan technical meeting and this will
22 be to review and evaluate the PM 2.5 modeling and

1 monitoring information available for the PRGS, the
2 Potomac River Generating Station, for Mirant. The
3 participants in that meeting will be individuals
4 from the United States Environmental Protection
5 Agency, from Mirant, the City of Alexandria and the
6 Department of Environmental Quality.

7 I will now briefly review the various
8 pollutant control strategies that the permit imposes
9 with the facility, the -- for NOx, the permit
10 requires the use of low NOx burners on units C 1
11 through C 5, as well as separated over fire air on
12 units C 3, C 4 and C 5.

13 SO2 is still required to be mitigated by
14 a dry sorbent injection and at the present time in
15 the sodium sesquicarbonate. Acid gases will also be
16 dealt with as far as the dry sorbent is concerned.

17 PM and PM 10 controls, the borders will
18 use hot side as well as cold side ESPs that are
19 presently installed. The ash silos will utilize
20 fabric filters. Those fabric filters will be
21 discharged back into the hot side, the inlet side of
22 the hot side ESP on unit C 1.

1 Ash silo load-outs will be required to
2 have partial enclosures as well as wet suppression
3 to minimize any dust.

4 Additionally fugitive requirements for
5 both PM and PM 10 have been included in this permit.
6 A wind screen (inaudible) will be required for the
7 cold pile. A stack out for the stack out conveyor
8 will be required to use an enclosed conveyor as well
9 as a tail-scoping shoot or a DEQ approved equivalent
10 methodology to minimize emissions from coal going on
11 to the coal pile.

12 Rail car dumping will require partial
13 enclosure. Heavy duty curtains at either end of the
14 coal dumpage as well as water clogging which will be
15 required during dumping operations.

16 Dry sorbent handling with an enclosed
17 system is used with pneumatics to move the sorbent
18 from the rail cars into the silos, that will be
19 continued as requirement regardless of the dry
20 sorbent being utilized.

21 The permit also contains compliance
22 requirements specific to Potomac River Generating

1 Station. Presently the facility is required to
2 install on -- excuse me, to operate SO₂ and NO_x
3 monitors in accordance with part 60 and part 70 --
4 excuse me, part 60 and part 75 respectively. The
5 permit also calls for a CO CEM to be installed and
6 provides and requires for a plan to install, certify
7 and operate a PM CEM within the 12 months of
8 issuance of the permit.

9 This permit also calls for parametric
10 monitoring on the silo bag houses and that will be a
11 differential pressure gauge across an outlet as well
12 as monitoring for the electrostatic precipitators
13 which calls for secondary voltage and current as
14 well as continuity inspections on a daily basis.

15 We have additional stack testing
16 requirements placed on this permit once the stack
17 merge is complete. Those stack testing requirements
18 will be for the pollutants listed on the slide.

19 Additionally on the compliance
20 requirements, we will include a 20 percent opacity
21 on the stacks, regardless of which stack, as well as
22 an annual stack test requirement for PM, PM₁₀, PM

1 2.5, HCL and HF.

2 Reporting requirements, finally the
3 permit has several record-keeping and reporting
4 requirements as listed on the slide. Quarterly
5 excess emission reports, they are required now, they
6 will be required additionally for the CO and as
7 appropriate for PM CMs and then there are the,
8 presently the SO2 annual reports, again CO and PM
9 will be included in those semi-annual requirements
10 as appropriate.

11 And last, but not least, there are
12 multiple record-keeping and notification
13 requirements. Included in that is the notification
14 requirement of any malfunctions at the facility.

15 That concludes the brief presentation.

16 Sir, ma'am?

17 VIVIAN THOMPSON: I guess we could ask a
18 couple questions, go ahead.

19 BRUCE BUCKHEIT: I'm just curious as to
20 whether the permit contains provisions requiring
21 compliance with the Mercury training rules?

22 TERRY DARTON: There are no requirements

1 for Mercury in the permit at the present time.

2 BRUCE BUCKHEIT: But there's a Mercury
3 training regime that applies to them. See, I'm not
4 asking for any new --

5 TERRY DARTON: Mr. Dowd, I'm not
6 familiar with --

7 MICHAEL DOWD: Yeah, they're not
8 effective yet, but when they will be, all the
9 permits will be amended to have those, to put those
10 limits in.

11 BRUCE BUCKHEIT: Okay.

12 TERRY DARTON: Yes, yes, I'm sorry.
13 Yes, sir.

14 VIVIAN THOMPSON: Mr. Moore.

15 HULLIHEN MOORE: In the permit, on the
16 pre-hour average, that is .39 -- for the SO₂, that's
17 .39 pounds per million btus and that did not appear
18 to change in 2009 and let me ask, Mr. Kiss may be
19 the person that can answer this, but is the
20 .3 pounds per billion btus of SO₂ simply the N_{Ax}
21 limit?

22 MICHAEL KISS: Yes, the .39 pounds per

1 million btu limit is the NAX, the lowest NAX
2 compliant limit.

3 HULLIHEN MOORE: And that would mean
4 though, that, comparing, looking at the three-hour
5 period only for the five stack permit, the
6 concentration level would be the same during that,
7 that three-hour period with the two stack as it
8 would be for the five stack? Is that right?

9 MICHAEL KISS: In terms of a comparison
10 with the five stack permit, I think this proceeding
11 is really dealing with the two stack permit.

12 What we're doing as a staff is we're
13 going to provide you in the very near future, in the
14 next week a side-by-side comparison of those two
15 permits so that you can look at these different
16 grades and I think at that time I can better clarify
17 it for you.

18 HULLIHEN MOORE: Let me express my, let
19 me express my concern. The idea of merging the
20 stacks was that the quality of the air impacting the
21 citizens of Alexandria would improve and if the
22 actual concentration levels stay the same even for

1 the three-hour period as compared to the five stack
2 and the company has been allowed to increase the
3 hours it operates and also the quality of the air
4 has not improved just for that three-hour period, I
5 take it that the .35 and the .30 in the 24 hours,
6 that would be better than it would be under the five
7 stack, right?

8 MICHAEL KISS: Well, again, I think that
9 the comparison memo that I'm putting together, that
10 would answer your question.

11 HULLIHEN MOORE: All right, I'm sorry,
12 we'll see it. I apologize.

13 VIVIAN THOMPSON: Recognizing that we
14 will all have questions but that this is a time for
15 public comment, I would like to move into that
16 section of the public hearing.

17 Thank you very much to DEQ staff for
18 that information. And my understanding, thank you
19 all by the way for your patience in waiting as we
20 caught up on our previous business. My
21 understanding is that first on the agenda are
22 elected officials.

1 CINDY BERNDT: Tim Aiken for Congressman
2 Moran.

3 TIM AIKEN: Good afternoon and thank you
4 for the opportunity. The Congressman, again,
5 regrets that he's not able to be here but has been
6 following this issue very closely and greatly
7 appreciates the level of interest that the Board has
8 demonstrated on the issue of the Mirant power plant.

9 I have his prepared remarks here which
10 I'd like to read.

11 I thank you for conducting this hearing
12 and for the opportunity to comment on the proposed
13 permit for Mirant to merge its five stacks down to
14 two. This permit should be denied both on
15 substantive grounds and, if they were a factor, on
16 more subjective grounds as well based on Mirant's
17 past actions and behavior.

18 I regret that past actions and behavior
19 are not a factor but they merit mention
20 nevertheless.

21 Mirant is suing this Board for its
22 approval of the last, last June of the temporary

1 operating permit. They began construction work on
2 the stack merger without a permit and in clear
3 disregard to the actions of the Board and the
4 Virginia Department of Environmental Quality. It
5 has engaged in a public relations campaign that
6 would have you believe that the plant has a better
7 way to improve their quality than the City's own
8 elected officials and professional staff.

9 And I now suspect it is behind the
10 interest to dissolve the role of this Board in
11 approving permits and make it easier to increase
12 emissions by buying credits outside a non-attainment
13 area.

14 It is time for someone in the
15 Commonwealth to take action. By denying this
16 permit, you will at least prevent today's unhealthy
17 air conditions from getting any worse.

18 Let me now address the specific reasons
19 for why this proposed permit should be rejected.

20 First, as I mentioned last November, I
21 believed that you need to be vigilant on the issue
22 of new source review given Mirant's as --

1 operational modifications including the use of no
2 NOx, low NOx burners, separated over fire air and
3 Trona NSR issues have not been resolved. Mirant has
4 never complied with all of EPA's June 2006
5 administrative order to complete a Trona new source
6 review applicability analysis. To my knowledge, no
7 adequate analysis was ever done by Mirant and now
8 Mirant wants to invest millions to merge the plant's
9 stacks claiming that Trona is an integral part of
10 the stack merger project.

11 I can only assume that this major
12 capital investment is motivated by Mirant's desire
13 to increase the plant's level of operations. Since
14 stack mergers by itself is a prohibited dispersion
15 technique under Federal and State regulations, the
16 use of Trona becomes integral to the part of its
17 strategy to increase operations.

18 If so, then the cumulative changes to
19 the plant and both the uses of Trona and the stack
20 merger warrant a full new source review.

21 Virginia Department of Environmental
22 Quality has never publicly disclosed the outcome of

1 the NSR applicability analysis. I would encourage
2 you to request this analysis be made available to
3 the public.

4 Second, the permit contains no emissions
5 limit on particulate matter smaller than 2.5 microns
6 per meter and to emissions limit on Mercury. These
7 are gross oversights that need to be corrected.
8 Given the fact that Northern Virginia is a
9 non-attainment area for PM 2.5, using PM 10 as a
10 surrogate for PM 2.5 is puzzling at best and an
11 advocacy of responsibility at worst.

12 Without National Ambient Air Quality
13 standards for PM 2.5, the proposed permit is not
14 comprehensive, nor is it aimed at protecting public
15 health. It is my understanding that New Jersey,
16 New York and Connecticut have all set NAX compliance
17 PM 2.5 emission limits. It can be done and this
18 Court should require that DEQ make them.

19 Third, it troubles me to learn that
20 Mirant has known for several years that its carbon
21 monoxide emissions are greater than the
22 approximately 250 tons per year that it has reported

1 in its past annual emission statements.

2 These CO emissions are increased even
3 further following installation of low NOx burners
4 and Soho controls. Now under the proposed permit,
5 Mirant will be allowed to increase its annual CO
6 emissions based on future data that it will collect
7 from CO continuous emission monitors. It would
8 appear that past modifications of the significant
9 altered operations which lead me to believe should
10 trigger a new source review.

11 This plant continues to merit the
12 special attention of this Board and the Virginia
13 Department of Environmental Quality. The deeper one
14 probes, the more trouble the findings. There's
15 still a great deal we do not know and what we do
16 know is not adequately addressed by the proposed
17 permit. It should be rejected.

18 I look forward to following your
19 progress on this most critical issue.

20 Thank you.

21 VIVIAN THOMPSON: Thank you, Mr. Aiken,
22 and relay our thanks to Congressman Moran, please.

1 CINDY BERNDT: Vice Mayor Pepper.

2 DEL PEPPER: Good afternoon, everyone.

3 I'd like to welcome you to the City of Alexandria on
4 behalf of the Mayor and the other members of City
5 Council. I'm Del Pepper, I'm the Vice Mayor of the
6 City and I co-chair the committee that's monitoring
7 the activities of Mirant.

8 We are, we really do appreciate it that
9 you have come to Alexandria, it makes it so much
10 easier for all of us as we know it's an
11 inconvenience for you, but, anyway, we do appreciate
12 it.

13 As you know, I have appeared before you
14 on a number of occasions to address the serious
15 adverse public health and environmental impacts
16 caused by this plant.

17 But here I am again, this time to
18 comment on the deficiencies in the proposed two
19 stack permit. These deficiencies justify our
20 legitimate fears about the risk to our health as a
21 result of the plant's merged stack operation.

22 I look at this proposed permit and I am

1 dismayed, again, by the Department of Environmental
2 Quality's misplaced focus on increasing the
3 operations of Mirant over the Department's duty to
4 protect the health of our residents.

5 I'm really unhappy, too, by the
6 unfettered and differential access the Agency gives
7 Mirant compared to its virtual shut-out of
8 Alexandria and by the Agency's clear attempt for the
9 specific instructions given but contempt for the
10 specific instructions given by this Board.

11 The over-arching goal of any air quality
12 program is to reduce pollution to levels that do not
13 impact public health. This proposed permit does not
14 satisfy even the most minimal standard.

15 Alexandria has expended significant time
16 and resources to assure that this plant is brought
17 into full compliance with environmental
18 requirements, in part by the installation of
19 required pollution -- pollution control technology.
20 We'd like to have a bag house.

21 Mirant's response has always been
22 dismal. When confronted with legitimate concerns

1 about health in the community, Mirant has
2 implemented piecemeal and wholly inadequate
3 solutions and this response has, has the consistent
4 support of Virginia's DEQ.

5 Whatever permit is put in place will
6 impact our air quality and public health for a very
7 long time to come. The -- we must, therefore,
8 ensure that this operating permit is fully
9 protective of the public health now, not riddled
10 with promises of things that may or may not occur in
11 the future.

12 This is a serious and important issue
13 for all residents of Alexandria and those of our
14 neighboring jurisdictions.

15 Our staff and consultants have prepared
16 an extensive list of technical comments on the
17 proposed two stack operating permit. We have even
18 undertaken an analysis and prepared a report which
19 will be presented to you this afternoon to quantify
20 the horrendous health effects and societal costs
21 caused by the Mirant plants emissions. And I might
22 add that this was previously requested by at least

1 one of the Board members, if not more, and it was
2 refused by DEQ.

3 These documents show that the proposed
4 permit is deficient in many areas and does not
5 provide the level of protection which the Board
6 indicated it would expect when it directed
7 consideration of the two stack permit on
8 November 30th.

9 At the last hearing here in Alexandria,
10 I pointed out the issue of particular concern of
11 Alexandria's residents and the residents of
12 adjoining jurisdictions and that is the PM 2.5
13 emissions from this plant. I reiterated to our
14 strong concern about PM 2.5. Through the diligent
15 and comprehensive work of the scientific community
16 we know, without question, that the PM 2.5 emissions
17 from this plant are inhaled deep into our lungs.
18 These particulate -- these particular -- particles,
19 try again, these particles cause serious problems
20 for everyone, in particular our children, seniors
21 and those friends and neighbors with chronic
22 respiratory illnesses and cardiovascular ailments.

1 It is beyond dispute that there are
2 risks to humans from both short and long-term
3 exposure to PM 2.5 emissions and as our health and
4 societal cost analysis will show, this plant exacts
5 a terrible toll on the community, premature death,
6 increased illnesses and chronic respiratory problems
7 and loss of productivity.

8 Because there are so many people who
9 live, work and recreate in the immediate vicinity of
10 the plant, DEQ has committed a gross oversight in
11 drafting this permit. It would be irresponsible for
12 the rest of us to acquiesce in an operating permit
13 that does not fully regulate and monitor PM 2.5
14 emissions.

15 In fact, this proposed merged stack
16 permit does not even attempt to limit PM 2.5.
17 Without NAX compliant PM 2.5 permit limits, this is
18 not a comprehensive permit. The City and our
19 residents have advocated for the past four years for
20 a comprehensive permit.

21 The DEQ director has promised us such a
22 permit, never mind the fact that it was a couple

1 years ago. The Board has said it would require a
2 comprehensive permit, but this is not it.
3 Accordingly, the Board should not approve this
4 permit in its current form.

5 DEQ's repeated failure to develop a
6 comprehensive permit for consideration by the Board
7 and the community argues strongly for the
8 establishment of a local air pollution control
9 district and committee to assist the Agency
10 fulfilling its mandate under the law.

11 We have asked for this repeatedly, but
12 to date to no avail. I would hope that this could
13 be changed today. The establishment of a local
14 district and local committee will be a significant
15 step in ensuring strict compatibility and
16 transparency with respect to the activities of the
17 plant.

18 I want to thank you again for your time
19 and attention and for coming to Alexandria.

20 VIVIAN THOMPSON: Thank you for your
21 comments, Ms. Pepper.

22 (Applause)

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1 VIVIAN THOMPSON: I would really, I
2 would prefer that we not use applause. Just listen,
3 respectfully, please, and allow us to go from one
4 speaker to the next.

5 I would also ask that cell phones be
6 turned on vibrate or turned off, please.

7 CINDY BERNDT: Councilman Smedberg.

8 PAUL SMEDBERG: Director Paylor, madam
9 chair, gentlemen of the Board, good afternoon, my
10 name is Paul Smedberg and I'm a member of the
11 Alexandria City Council. I thank you for the
12 opportunity to submit comments on the proposed
13 operating permit and I thank the Board members for
14 your attendance here today and your focus on the
15 critically important public health and environmental
16 issues facing the City.

17 I represent a broad constituency of
18 Alexandrians, all of whom are deeply concerned about
19 the operation of the plant and its effects on our
20 lives and those of our children.

21 It is remarkable through the diligence
22 of our City's staff and the efforts of many

1 individuals and community groups how much has been
2 uncovered about the operation of the plant and the
3 harmful effects on the human health due to emissions
4 from the plant, and this is in no thanks to Mirant
5 which has maintained a policy of secrecy and
6 obfuscation throughout this process.

7 Despite Mirant's public relations
8 campaigns to prove itself a good neighbor, it still
9 adamantly refuses to engage in the most neighborly
10 of activities, install up-to-date, appropriate air
11 pollution control technology.

12 As you know, the City has devoted
13 significant staff time and resources and has engaged
14 independent consultants in different technical
15 discipline to analyze the emission impacts of the
16 Mirant plant. Throughout the many years that we
17 have been engaged in this process, we adhere
18 strictly to presenting the factual and scientific
19 results of this analysis to justify our position
20 before the Board.

21 The City's analysis of the proposed two
22 stack permit is no different in approach or result.

1 Put simply, the facts and the science demonstrate
2 that this permit does not adequately protect the
3 public health.

4 We are all here this afternoon to
5 address the operation of the plant under the
6 proposed two stack operating permit and to examine
7 how such operation will impact our community for the
8 next generation and beyond.

9 It is distressing that this draft permit
10 reflects DEQ's myopic focus on the operational and
11 economic needs of Mirant rather than on the degree
12 of the harm caused by the plant, the scope of its
13 harmful impacts and the readily available technology
14 for reducing emissions and in mitigating the harm.

15 Frankly, if Mirant would, as we believe
16 the law requires, significantly upgrade the
17 pollution control technology at the plant by
18 installing bag houses and mitigating the present
19 impacts of its operation, the prospective of the
20 City and our residents would be dramatically
21 altered.

22 I fully support the comments and

1 recommendations of the Alexandria City staff and our
2 consultants on the deficiency of the proposed two
3 stack operating permit.

4 The comments in my opinion are well
5 concerned based on extensive expert analysis and
6 identify serious deficiencies with the proposed
7 operating permit. The deficiencies include, but are
8 not limited to, inadequate analysis and
9 determination of baseline emission levels under new
10 source review and unwarranted increase in the
11 short-term SO₂ emissions limit above the current
12 operating permit limit, a lack of adequate pollution
13 control technology requirements, inadequate emission
14 monitoring requirements and the complete absence of
15 PM 2.5 emission limits.

16 Protection of public health is the
17 primary objective of all air quality programs,
18 regardless of the entities involved. Accordingly
19 consistent with the Clean Air Act, our priority here
20 should be to install up-to-date pollution control
21 technology and ensure that the plant's operations do
22 not violate current scientific knowledge and

1 thinking on the effects of short-term and long-term
2 exposure to coal plant emissions.

3 Specifically I refer to the emissions of
4 PM 2.5, those invisible particles in the air that
5 permeate indoors and cause serious pulmonary and
6 cardiovascular illnesses that are particularly acute
7 to our more vulnerable residents.

8 This permit fails because it does not
9 regulate PM 2.5, the most serious health threat
10 proposed by this plant.

11 Given the decades long history of this
12 plant's NASSQS violations, we cannot accept a permit
13 that does not comprehensively protect our residents
14 from harmful effects of all pollutants from our
15 plant now, at the present time, today.

16 In its response to Mirant's request to
17 lift prohibition on pollutant -- pollution -- or
18 pollutant trading in a non-attainment area, DEQ
19 defended the Air Board's decision to ban such
20 trading as reasonable and prudent because as DEQ put
21 it, the Board wanted to ensure that all measures are
22 being taken so that the citizens of Virginia breathe

1 healthy air, particularly because Mirant does not
2 have state-of-the-art controls.

3 Unfortunately with this proposed permit
4 we cannot say that all measures are being taken so
5 that all the citizens of Alexandria and Virginia can
6 breathe healthy air. Other States have acted to
7 implement PM 2.5 limitations without delay.

8 Virginia can and should, too.

9 Now, today, we call upon this Board in
10 whatever permit it approves to act responsibly and
11 set strict permit limits for all pollutants emitted
12 by this plant, including PM 2.5. I strongly believe
13 that Alexandria and the most effected members of the
14 public in the region surrounding this plant should
15 be charged with reviewing and analyzing activities
16 related to this plant.

17 For this reason, I reiterate
18 Alexandria's position and request that the Board
19 immediately establish a local air pollution control
20 district and local committee, formalized local input
21 is vital -- formalizing local input is vital in
22 ensuring full accountability for and compliance with

1 provisions for any operating permit eventually
2 issued for the plant.

3 I want to thank you all for being here
4 today for your interests that you've shown
5 throughout this four-year period and your careful
6 consideration of our City's comments and, you know,
7 that you've expressed throughout this entire process
8 and I have to say on a personal note, it's, it's,
9 it's been quite a time.

10 Many people in this room, including
11 myself, have been involved in this process for six
12 years. It's been a long time and as I said earlier,
13 there's a lot that the residents of this community
14 and City staff have done to bring forward solid
15 scientific evidence in exposing some of the harmful
16 effects that we believe are coming out of this
17 plant.

18 And, you know, we hope that you
19 seriously take those considerations into effect
20 today.

21 VIVIAN THOMPSON: Thank you,
22 Mr. Smedberg.

1 CINDY BERNDT: Ana Prados, representing
2 Jerry Connolly, Fairfax County? Fairfax County --
3 where is she? She's not in.

4 STELLA KOCH: Actually I'm not Ana
5 Prados, but I am Stella Koch and I'm the chairman of
6 the Fairfax County Environmental Quality Advisory
7 Council to the Board and I'm pleased to read my
8 chairman's notes on this.

9 Dear Mr. Darton, I thank you for this
10 opportunity to comment on the proposed draft
11 statement operating permit for the Potomac River
12 Generating Station recommend by the Virginia
13 Department of Environmental Quality. Fairfax County
14 as a member of the Metropolitan Washington Air
15 Quality Committee is committed to the reduction of
16 the fine particulate matter PM 2.5, along with other
17 permitted air pollutants and submits that the
18 proposed permit is the appropriate mechanism from
19 which these reductions can be achieved.

20 While the Mirant plant is not located in
21 Fairfax County, it is our understanding that the
22 plant emits significant levels of pollutants,

1 including foreign particulate matter that can travel
2 great distances and adversely affect human health.
3 These increased levels of fine particulate matter
4 pose a health risk to everyone, but especially the
5 young and the elderly and it is the duty of Fairfax
6 County to support stringent emission limits that
7 will protect the public health and safety of its
8 most vulnerable residents.

9 In the U.S. Department of Energy special
10 environmental assessment report, it found acute and
11 wide-spread adverse health impacts of pollutant
12 emissions, particularly increased incidents of
13 mortality and hospitalization due to both short and
14 long-term exposure to fine particulate matter.

15 The Virginia Department of Environmental
16 Quality must not fail in its responsibility to
17 consider the critical health implications of fine
18 particulate matter which has been proven in the
19 scientific community. In this, in the permit being
20 considered, DEQ must set stringent fine particulate
21 matter emission limits and require the plant to
22 install the best available control technology for

1 particulate emissions.

2 Every possible step must be taken to
3 protect the health of the residents living in this
4 region and ensure their safety. I appreciate this
5 opportunity to provide these comments to the
6 Virginia Department of Environmental Quality,
7 sincerely, Jerry Connolly, Chairman of the Board of
8 Fairfax County.

9 VIVIAN THOMPSON: Thank you.

10 CINDY BERNDT: Thank you. Moving on to
11 the City of Alexandria representative, Mr. Skrabak.
12 He promises me he's going to be pretty close to the
13 20 minute time limit.

14 BILL SKRABAK: Do I get the 3 minute
15 rule?

16 CINDY BERNDT: Well, it wouldn't work.
17 Anyway.

18 BILL SKRABAK: Good evening, my name's
19 Bill Skrabak, I'm the Division Chief of
20 Environmental Quality for the City of Alexandria and
21 as our presentation gets loaded in response to
22 Mr. Moore's question in terms of whether the

1 concentrations coming out of the two stack permit
2 are lower or higher, there will be nearly double
3 with the two stack permit. So in terms of the
4 hourly emissions coming out of the stack from SO₂,
5 go from anywhere from 800 pounds per hour to 1,000
6 pounds per hour under the five stack permit, up to
7 2,000 pounds per hour under the two stack permit.

8 HULLIHEN MOORE: I guess my real
9 question, though, was the concentration levels in
10 the ambient air and that was my question.

11 BILL SKRABAK: Right, and basically the
12 way that it's modeled, the highest, the limiting
13 factor continues to be at Marina Towers, it will be
14 that way for the five stack permit, the
15 concentrations will be the same, they'll be NAX
16 compliant just under that NAX standard under both
17 the two stack permit and the five stack permit.

18 So basically there's no guarantee that
19 air quality is any better one versus the other if
20 they, as they do with the two stack permit, allow
21 those hourly rates to increase.

22 VIVIAN THOMPSON: Again, recognizing

1 that we all have questions, it's our role today to
2 listen, I think, so I look forward to listening to
3 presentations.

4 BILL SKRABAK: Thank you. Really, as
5 previously said, we've been dealing with this for,
6 for a long time and I would like to point out under
7 the first slide here is exactly, if you refresh your
8 own action by the Board, which was the merger has
9 the potential to increase emissions and, therefore,
10 needed a pre-construction permit or an NSR permit.

11 The alternative that Mr. Buckheit
12 suggested was a synthetic liner and what you have
13 before you considering today is neither of those.
14 It's a state operating permit that doesn't address
15 any baseline issues, so they totally circumvent the
16 whole goal of a minor synthetic permit.

17 So on its face the permit as it's
18 proposed is just flawed, it's deficient. It doesn't
19 comply with what the whole intent of a minor
20 synthetic permit is intended to do.

21 The other piece to this is that without
22 having any of DEQ's response to the comments on the

1 five stack permit, you'll see many of the same
2 issues raised here because we don't know how they
3 are going to be addressed with respect to that, so,
4 again, the permit's flawed.

5 In terms of the NSR issues, low NOx
6 burners, sulphur, Trona, at the November 30th Board
7 meeting, the Board directed the DEQ to address some
8 of these issues as part of this permit. Hasn't been
9 done.

10 Here we are years after these things
11 have been installed and the simple question has NSR
12 been triggered has not been adequately answered nor
13 addressed by anybody.

14 The proposed permit, there's a few
15 things we strongly disagree with. It talks about
16 pre-authorizing the use of an alternative sorbent.
17 We absolutely do not believe the two stack permit
18 should do that and I'll elaborate on that a little
19 bit more later.

20 Furthermore, the NSR issues, it's in
21 neither one of those permits and then as our
22 understanding is that Mirant may be doing some

1 future de-bottlenecking of their ash handling system
2 and that should not move forward without an NSR
3 review because basically that's going allow them to
4 increase production.

5 These were just some of the reasons why
6 you took the action you did. I'm not going to
7 elaborate in too much detail, but that's why you
8 said a permit was needed.

9 Next slide. This touches on the issue
10 that I think you'll probably hear quite a bit about.
11 When the down-wash issue was first identified in
12 2004 and the modeling protocol that was done under
13 the consent agreement with DEQ, we commented on that
14 process and requested that PM 2.5 modeling be done.

15 Here we are four years later, no
16 modeling's been done, several permits that -- the
17 SO2 permit has been issued, a five stack permit has
18 been proposed and commented on and now we have
19 another two stack permit and no PM 2.5 modeling to
20 show NAX compliant.

21 Clearly that's a real flaw with how this
22 process continues to leap-frog forward and these

1 issues never get addressed. We did all our
2 research, we talked to other States, what they're
3 doing and we submitted it to the Board and we
4 submitted it to DEQ, other States that have done it.
5 There's no need that four years later we finally get
6 a work group. Great. How long is that going to
7 take to come up with the methodology. They can take
8 the New Jersey or one of the other methods,
9 particularly we like New Jersey since it was very
10 deliberate and well thought out and apply it right
11 now. They could probably come up with a PM 2.5
12 limit in less than two weeks if they chose to, by
13 February 7th when you're going to talk about
14 potential actions on the permit. If they applied
15 the New Jersey guidance, come up with a limit, it
16 can be done.

17 The methodology, EPA guidance has said
18 air mod is the appropriate tool to do that kind of
19 hot spot local impact analysis. Federal guidance
20 has said that's the appropriate tool. Without
21 setting those kind of stringent limits, we have no
22 idea what the PM 2.5 impacts are with respect to

1 this stack merger.

2 We know based upon the modeling we've
3 done it does not meet the PM 2.5 NAAQS as they're
4 currently operating. We believe that the 2008 SIP
5 that is being considered, it's out for public
6 comment. That SIP, if you set aside the exact
7 guidance that EPA does, what is the purpose of a
8 SIP. To ensure everybody in the region is breathing
9 clean air. That's all we're asking for in the
10 PM 2.5 SIP and the appropriate mechanism is to
11 include it in a permit. That's what was done for
12 the NOx SIP call with this plant, it was in the SIP
13 and then how DEQ enforced it was a NOx limit for the
14 Summer ozone season for this facility. That's all
15 we're asking for for PM 2.5.

16 Next slide. In terms of the PM 10
17 surrogate, we don't believe that using the PM 10
18 surrogate is the appropriate methodology. We think
19 the guidance out there says for Title 5 and for
20 other reasons that really that's no longer
21 applicable and even though there may be people in
22 EPA that think that's the case, if there's an actual

1 rule in place that trumps any additional just
2 guidance.

3 So it's outmoded, it's no longer the
4 appropriate tool to use, but even if you don't, if
5 you choose to use it, what is the appropriate PM 10
6 surrogate and how do you apply it in a
7 non-attainment area. It's not that it comply --
8 that you assume all PM 2.5 is PM 10 and it complies
9 with NAX.

10 For PM 10 in a non-attainment area, it
11 has to go and comply with the sils for PM 10 and
12 that is -- absolutely doesn't apply, they don't
13 comply with sils for PM 10. So even if you went
14 down that road, it's not being applied properly.

15 Virginia regulations prohibit the
16 issuance of a permit that doesn't make sure the
17 facility complies with NAX and without insurance
18 that this facility will comply with the PM 2.5 NAX
19 we think is a flaw in the permit as it is overall.

20 Next slide. This is just DEQ's own
21 quotes when they responded to Mirant in response to
22 the CAIR regulations about the general requirements

1 of how regulations are. This gets to the
2 fundamental issue of that, the whole intent of the
3 regulatory program is to reduce emissions. It's not
4 to disperse them better. It's to actually reduce
5 the emissions.

6 We think the Board has the
7 responsibility to ensure that this facility does not
8 cause exceedances of the NAX and have health
9 impacts.

10 Next slide. The City's analysis
11 regarding the use of any dry sorbent is basically a
12 trade-off between SO2 and PM. Without the
13 accompanying limit on PM or some additional PM
14 controls, we are basically reducing SO2 at the
15 expense of PM.

16 The, any control system -- what the bag
17 house potentially gets you, we think, Trona
18 triggered NSR in a non-attainment area, if it was a
19 major source, would have triggered layer, would have
20 required bag houses. But what the bag house gets
21 you, it would, it gets close to NAX compliance. It
22 still may have to limit some production a bit

1 because it is such an impact. It would ensure that
2 there's no increase in PM if they put a bag house
3 on. It's basically state-of-the-art controls,
4 there's one on our waste to energy facility out on
5 the west end.

6 For example, they have a PM 10 limit of
7 100 tons a year based upon their stack test.
8 They're down at 2 tons a year. It's a proven
9 technology and the bag house, particularly on the
10 fine PM 2.5, is the best, actually the lowest
11 achievable control.

12 BRUCE BUCKHEIT: Did your modeling use
13 like the New Jersey protocol? Or --

14 BILL SKRABAK: Yes.

15 BRUCE BUCKHEIT: New Jersey?

16 BILL SKRABAK: Yes.

17 MAUREEN BARRETT: They're, they're the
18 same thing, essentially.

19 BILL SKRABAK: And then finally what the
20 other benefits of what a bag house gets you, it has
21 the secondary benefits of reducing Mercury, as well.
22 It will capture that unused Trona so you'll get a

1 better SO2 reduction and it will also get you some
2 other metals reduction as well.

3 Next slide. You've seen this before,
4 this is the issue of that with the use of Trona, not
5 just has opacity gone up on average, the number of
6 exceedances where opacity, you know, those upset
7 conditions has gone up and finally, the fugitive
8 emissions go up because there's so much more fly ash
9 that they're handling.

10 The point to make on this slide is that
11 the one stack test that was done with and without
12 Trona happens to be on boiler three. That was the
13 one that did the best job and had the smallest
14 amount of increase. If they had done stack tests on
15 all five, I don't think there would be any
16 indication that the stack tests showed -- we have
17 some, I'll get into it in the next slide, some of
18 the flaws with the stacks, but there would be no
19 doubt that emissions increased.

20 Next slide. This is the actual
21 efficiencies during that stack test for unit three.
22 Here you have the cold ESPs that are designed to

1 remove particulates at 80, 90 -- I think it's even
2 90 plus, 96 percent and during the no use of Trona,
3 at least on one run, it was operating at 50 percent.

4 So if you have your base load at such a
5 low number and then you compare it when it's
6 supposedly operating a little better, of course it's
7 going to show that Trona is showing. So clearly
8 that run was flawed, but yet that's how the stack
9 test -- and that run wasn't thrown out, and you can
10 see some of the other things, without the -- with
11 the Trona off on the hot ESP, the actual efficiency
12 is better without Trona.

13 So, again, to, and we're kind of beating
14 this one to death, we don't believe that Trona is a
15 PM control. To DEQ's credit, it's not in the permit
16 but what's the next step after that. If you're not
17 going to give them credit now and it's likely
18 emissions increased, that's an NSR issue and,
19 therefore, it should have gone through NSR. We
20 brought it up at the time. This permit, as directed
21 by the Board, said it should address these NSR
22 issues and it doesn't.

1 Next slide. This is just basically
2 research for a coal-fired facility with ESPs and the
3 scale that as opacity goes up, PM emissions go up.

4 In terms of fugitive emissions, the
5 amount of fly ash that they're handling, if you
6 remember the energy DOE study, it said the amount of
7 fly ash nearly doubled and so the fly ash with
8 Trona, you know, 2 percent of that, up to 2 percent
9 is with silica, a known carcinogen. And finally,
10 the issue that they can theoretically take control
11 or credit for some of the previous fugitive emission
12 enhancements that were done out of the consent
13 decree, that was an enforcement action. They are
14 not entitled to take those reductions as part of any
15 net reduction for PM emissions.

16 Next slide. This is just getting on to
17 the carbon monoxide issue both with Trona and
18 without Trona. In all cases at least the carbon
19 monoxide emissions goes up considerably. We think
20 that the 250 tons that they've previously stated in
21 their emission statements are probably based upon an
22 AP 42 or some other factor, but their own CMs that

1 they've been operating for some time and the stack
2 test showed that their emissions, they're not just a
3 little high, we're talking about, you know,
4 1,00 tons, you know, a huge, you know, the quality
5 of 250 tons to 1,750 tons and that's just for one
6 boiler. I mean we're talking an unbelievable amount
7 higher and the way the permit reads, it just says
8 well we'll put in the CMs and allow you to go up to
9 whatever that number is. We don't think that's the
10 case and again, the sulphur and the Trona and NOx,
11 low NOx burner triggered the CO issue.

12 Getting to the emission limits,
13 themselves, there's one, as previously stated,
14 there's no Mercury limit in it. That should be
15 added. They're actually reducing, making more lax
16 the sulfur content in the coal. They're going in
17 the wrong direction there. The plant has always
18 been required to use less than 1 percent sulfur coal
19 and the proposed permit allows them to get a
20 33 percent increase and go up to 1.2 percent coal.

21 The NOx limit, they operate at a much
22 lower level than the proposed NOx limit in the

1 permit. It should be much lower than as in the
2 proposed limit.

3 Next slide. In terms of the SO₂ limits,
4 the five stack permit numbers are greater than in
5 the two stack permit. We believe, in particular on
6 the PM level, this goes to that regulation that
7 Virginia has that all their equipment should be
8 operated to minimize emissions and so the permits as
9 proposed are up here, the margin of compliance is
10 way too much, in some cases it's double or triple
11 how they actually operate.

12 In terms of PM 10, they're down at .03,
13 but the permit is more than 50 percent higher.

14 The actual annual limits are much too
15 high in terms of if you take the 24, most recent
16 24 months, those, they can triple production and
17 still meet those -- they'll never get to those
18 numbers with the existing ESPs that they have.

19 With a bag house, they could have, you
20 know, those numbers are basically, you don't even
21 need those numbers in the permit, they're so high,
22 but what they do allow is if they add and use sodium

1 bicarbonate or some other thing that's a little more
2 efficient, and by our understanding those tests have
3 gone really well, we haven't seen any of the actual
4 results, but that will allow them to do, if sodium
5 carbonate gets them instead of .30 for SO2 and they
6 get down to .20, that will allow them to increase
7 production and without that particulate matter
8 holding or synthetic minor cap, it will allow them
9 to increase particulate limits.

10 In terms of the 20 percent opacity
11 standard, that's an antiquated standard. There's no
12 reason in a PM 2.5 non-attainment area, the largest
13 source in Northern Virginia should have an opacity
14 standard of 20 percent. I think the Weiss County
15 plant, the proposed permit had a limit, an opacity
16 limit of 10. I think Maryland and D.C. have a
17 10 percent limit, that's just an antiquated limit
18 that should not be applied in a PM 2.5
19 non-attainment area.

20 We think the CAIR limit should be
21 incorporated into this permit with the trigger of
22 when they go into effect.

1 Next slide. Again, I touched on this
2 about that they should all be operated to the best
3 efficiencies.

4 The issue of, and I'll touch on it a
5 little bit, of this alternative sorbent comes into
6 play here. If under the proposed two stack permit
7 it's set at .3 or .39 now and it ramps down, if you
8 don't, if they go ahead and use this other material
9 that doesn't -- theoretically a better job, they're
10 not operating their equipment at the best
11 efficiency, so we don't believe that if this
12 alternative sorbent is used that should go through a
13 separate permit amendment and then potentially the
14 SO2 rate should be adjusted accordingly.

15 In terms of the issue of PM CEMs, we
16 agree that that should be incorporated. It is
17 proposed in the permit. We think a year is a little
18 too long and it's possible that after those PMs are
19 installed then you can start really addressing the
20 monitoring and there's a dozen facilities where
21 these have been installed.

22 I've touched upon this earlier, about

1 the, the use of the alternative sorbent and that
2 should require a separate NSR permit.

3 One point to point out on this slide,
4 the research that we've done for sodium bicarbonate,
5 up to, in some cases up to 50 percent is less than
6 12 microns in size and so it's even smaller
7 particles than the Trona, themselves, and so that's
8 probably why it's more efficient at reducing SO₂,
9 but again, you have a much smaller -- a much larger
10 fraction of what's being used is that ultra fine
11 particles and so you may have a net SO₂ reduction,
12 you may even have a net PM reduction, but PM 2.5
13 still could go up, so that would have to be
14 thoroughly evaluated before that kind of approval
15 is, that kind of authority is approved.

16 Our understanding is they can get down
17 below less than .2, so, again, the regulations say
18 it should be operated as best can and if that is
19 going to be included, then that SO₂ limit should be
20 adjusted accordingly.

21 This gets to the issue of the NSR and
22 what is the appropriate baseline which as proposed

1 the two stack permit entirely circumvents. There is
2 no baseline established. The Board, we went through
3 this discussion, should it be the 15,000 tons of SO₂
4 when they were causing exceedances of the NAA.
5 Without it being looked at as part of this permit,
6 it totally side steps that issue.

7 If you go back, the last time we
8 presented this information it was 23 months, we
9 updated it, it's now 24 months and the numbers that
10 we see for the last two years, last 24 months, the
11 numbers in the left-hand column, that's really what
12 the baseline emissions should be before this, should
13 be taken into consideration for this permit and as
14 we said, even for the five stack plant because
15 again, there's been numerous NSR triggers where this
16 should have been evaluated, it should have been
17 incorporated. You should not keep leap-frogging
18 forward without this kind of baseline being firmly
19 established.

20 The one point here in terms of PM 2.5 I
21 want to point out, they've been putting out 117 tons
22 based upon the stack test, even that based upon our

1 modeling is not NAX compliance. I don't want people
2 to say oh, could you live with a 117 number. That's
3 not a NAX compliant PM 2.5 number.

4 And so kind of wrapping up, in
5 conclusion, what the City is really asking the Board
6 to do is reject the two stack permit. It's not what
7 you asked for. It's not a minor synthetic, it
8 doesn't set those appropriate baselines and it
9 doesn't set those caps. It leaves the NSR issues
10 completely unresolved, it doesn't have the PM 2.5
11 NAX compliant limit.

12 Next slide. Instead, we think you
13 should address the comments that the City submitted
14 as part of the five stack permit, set the
15 appropriate baselines, put in the CEMs, don't
16 pre-authorize that the alternative sorbent SAPCB, we
17 believe that would be a separate permit amendment
18 and really we think for the health of our citizens
19 and community and the way the regulations are, a bag
20 house should really be installed and required for
21 this facility.

22 This is just the order of the, and I'm

1 not going to get into each number, but those are
2 kind of the rates that we think they should be done,
3 with Trona. If they go to this other thing, that
4 should be a separate thing and those numbers
5 probably would come down.

6 Just in contrast to Mirant, we've been
7 working with another much smaller point source on
8 the west end of the City of Alexandria, it's an
9 asphalt plant. They had to go through a special use
10 permit and looking out for our region, we said hey,
11 why don't you put on low NOx burners, help with the
12 ozone issue. They agreed to do that as part of our
13 zoning agreement. They applied for their permit,
14 unlike Mirant, and just a week ago they were issued
15 an NOV for installing low NOx burners without a
16 permit.

17 Mirant has done that, the exact same
18 thing, they never applied for a permit, that was
19 years ago. And so this issue of consistency, and we
20 don't believe this is wrong, I'm not, you know,
21 saying that you should back off on Virginia Paving.
22 The issue is where is the consistency in these

1 unresolved lingering issues and to continually take
2 one permit leap-frog and comment on it, don't get
3 the response to comments, go to the next permit
4 without these things being resolved, they, I
5 understand the difficulty that some of these things
6 may have been done under a consent agreement, but
7 they still, the appropriate -- as directed by the
8 Board on November 30th, they should be looked at,
9 fully addressed and then if you're not in an
10 enforcement mode, you still in the permit address
11 it.

12 Next slide. I think -- next slide. I
13 think that's, that's it. So, thank you very much
14 and we appreciate your time and consideration.

15 VIVIAN THOMPSON: Thank you,
16 Mr. Skrabak, and look forward to seeing you on, in
17 just a couple of weeks when we deliberate with BACT
18 on this issue.

19 BILL SKRABAK: Thank you very much.

20 VIVIAN THOMPSON: Thank you.

21 CINDY BERNDT: John Britton.

22 JOHN BRITTON: Good afternoon, my name

1 is John Britton and I'm legal counsel for the City
2 of Alexandria, and I'm here to do a presentation on
3 a slightly different component of what we can call
4 public discourse.

5 The Air Board had previously expressed
6 an interest in the health and -- in the health and
7 social cost analysis of the emissions of the Mirant
8 plant. For the last public hearing a document was
9 submitted analyzing the emissions of the five stack
10 scenario. This evening I am here to present an
11 analysis of the health and societal costs based on
12 the two stack scenario that we have before us this
13 evening.

14 On behalf of the City of Alexandria,
15 Earth Tech, Inc, reviewed the proposed operating
16 permit to evaluate the health effects due to the
17 PM 2.5 emissions and the associated costs. Now
18 again, this is just for the fine particulate matter
19 emissions. Analyzed the maximum or worst case
20 scenario using EPA's air mod and EPA's environmental
21 benefits mapping and analysis program, what is
22 referred to as BENMAP, for an 800 meter grid around

1 the plant that encompassed about 4,700 people.

2 The study shows the analysis, the
3 results of the analysis show that direct mortality
4 costs as a result of PM 2.5 emissions are 34 million
5 dollars a year. Additional health costs, the
6 indices of morbidity, exacerbated lung conditions,
7 respiratory problems, cardiovascular issues bring
8 the figure up to about 37 million dollars per year.
9 Keep in mind, this is just for a population of 4,700
10 in that tight grid around the plant.

11 Taking this out 30 years, 30 year costs
12 is approximately 1.8 billion. 30 year net present
13 value of that cost, about 724 million. Again, for
14 that population of 4,700.

15 Now comparable figures and analysis, or
16 comparable analysis occur in the Department of
17 Energy's SEA from last year and in fact this
18 analysis based itself on the SEA and then
19 extrapolated it from there. So using the BENMAP
20 analysis and applying it to the ratio set out in
21 DOE's analysis, you come up with even greater
22 figures, direct mortality costs, these are premature

1 deaths, the cost of those, 175 million per year,
2 taking that out 30 years for the net present value,
3 over 3.5 billion dollars.

4 Again, this is for a population of 4,700
5 in that tight grid that is set out in the report.

6 Now the impact on Marina Towers is
7 higher than on the surrounding population set out in
8 the grid and this is even with the two stack
9 scenario that supposedly is the panacea for
10 down-wash. Evidently it is not.

11 The Summer report is not meant to be the
12 definitive answer of all the health and societal
13 costs. Remember, this is just for PM 2.5 emissions.
14 However, the magnitude of the health effects and the
15 costs presented, the costs that I just mentioned,
16 represent a significant potential risk from
17 operation of the plant to the residents of the City
18 of Alexandria and these risks are proportionally
19 larger for the population of the City than the
20 region as a whole.

21 Now if you add in the costs, which we
22 did not do in this report yet, if you add in the

1 cost of the emissions of other pollutants, that
2 annual figure would be even greater.

3 I will submit the report today to
4 Mr. Darton and I have copies for each of the members
5 of the Board as well. Thank you.

6 On a procedural matter as was mentioned
7 earlier about the purpose of today's hearing, I'd
8 like to express to the Board that the City and the
9 public fully expect a continuing open and
10 interactive dialogue with the Board on these issues
11 as committed to the public at the last public
12 hearing. I urge you to extend the -- to keep open
13 the public record and even extend the time for
14 submission of comments to provide an opportunity for
15 people to respond to issues that may have been
16 raised this evening.

17 Thank you for your time.

18 VIVIAN THOMPSON: Thank you,
19 Mr. Britton.

20 CINDY BERNDT: While he's passing those
21 out, Mike Stumpf, Victoria Gross and Dexter
22 Handford.

1 VIVIAN THOMPSON: My apologies,
2 Mr. Stumpf, I would ask my fellow Board members
3 to -- please proceed, Mr. Stumpf. Thank you.

4 MIKE STUMPF: Good afternoon. I'm Mike
5 Stumpf, the plant manager of Mirant's Potomac River
6 Generating Station and I'm here representing
7 150 people who work at the power plant.

8 I have worked at the Potomac River
9 Generating Station for nine years now and am proud
10 of the service we provide, providing reliable,
11 affordable electricity safely.

12 Thank you for this opportunity to make a
13 few comments regarding the draft state operating
14 permit dated December 21st, 2007, for the Potomac
15 River Generating Station.

16 Generally Mirant is supportive of this
17 permit as the draft reflects many months of
18 discussion and hard work among Mirant, the staff of
19 the DEQ, this Board, the City of Alexandria and its
20 residents.

21 The company will file more detailed
22 comments for the record on the 29th.

1 This permit will guarantee operations at
2 all levels to be protective of the National Ambient
3 Air Quality standard and reduce ground level
4 concentrations of emissions improving air quality
5 not only locally, but regionally upon the completion
6 of the stack merge project.

7 I want to give a brief history of how we
8 got here today to talk about a stack merge project
9 as part of the State operating permit.

10 Potomac River Generating Station began
11 operation in 1949 and due to the proximity with, to
12 Reagan National Airport, the approved plant design
13 restricted the height of the stacks to what they are
14 today, 165 feet. This is generally much lower than
15 most other power plants, but at that time the City
16 and the region looked much different than it does
17 today.

18 Three years ago a study was conducted to
19 analyze ground level emission concentrations. The
20 study found a phenomenon known as down-wash. A
21 modeling analysis showed that in some worst case
22 weather scenarios, combined with shorter than usual

1 stacks, ground level emissions could exceed the
2 National Ambient Air Quality standards.

3 As a result of this study, Mirant
4 voluntarily shut down operations and set our
5 engineers to task to find a solution.

6 The engineers looked at every possible
7 scenario to solve the down-wash problem, including
8 physically increasing the height of the stacks as
9 approved by the Federal Aviation Administration.

10 But Mirant knew that this would not
11 achieve the results we wanted. Finally, a two-part
12 solution to eliminate the down-wash concern was
13 identified. First we had to reduce the violating
14 pollutant, which was sulfur dioxide. Secondly, we
15 had to internally merge the stacks without actually
16 raising them an inch but achieve the same desired
17 result.

18 The draft permit before us today
19 completes the solution. It maintains emissions at
20 levels protective of the National Ambient Air
21 Quality standard and allows us to complete the stack
22 merge to eliminate down-wash and improve air quality

1 locally and regionally.

2 Installing the trellis system to reduce
3 SO₂ is not the only improvement made to the Potomac
4 River plant. It is one of many. Current operating
5 practices that are beneficial to the environment and
6 air quality which will continue under this permit
7 are the use of low sulfur coals. Historically the
8 plant has used coals less than 1 percent sulfur
9 content. It requires the use of both hot side and
10 cold side electrostatic precipitators for the
11 capture of particulate matter.

12 Using both of these technologies is a
13 unique and innovative use for the plant. It also
14 requires the use of low NO_x burners and separated
15 over fire air technology for NO_x control.

16 Since the installation of our dry
17 sorbent system in late 2006 to reduce SO₂, the plant
18 has seen dramatic and impressive reductions in the
19 emissions, well over 60 percent. We've also seen
20 reductions in fine particulate matter as a result of
21 Trona injection.

22 Our NO_x emissions have consistently been

1 at levels protective of the National Ambient Air
2 Quality standard and this permit will continue that
3 level of reduction.

4 You will hear comments tonight
5 requesting that the draft permit be modified to
6 require the installation of bag house technology to
7 capture particulate matter.

8 Nothing in the modeling data provided to
9 the DEQ supports the conclusion that greater
10 operating performance and capture of fine
11 particulate matter will be achieved with a bag
12 house.

13 In fact, the plant's current
14 configuration, the modeling shows particulate matter
15 removal performance consistent with or better than
16 what is historically achieved with a bag house. We
17 are not objecting to this technology because we
18 don't want to install technology. Our history,
19 rather, demonstrates our commitment to operating
20 improvements.

21 Rather, we are objecting to installing
22 technology that does not provide improvement over

1 the performance of the existing installed
2 technology.

3 At a recent engineering review with a
4 manufacturer of this technology, the firm would not
5 guarantee performance equal to what we are currently
6 achieving. Today our operation using both hot side
7 and cold side electrostatic precipitators achieves
8 over 99 percent capture of particulate matter.

9 This performance combined with reduced
10 emission levels from current operating permit is
11 more than protective of the National Ambient Air
12 Quality standard.

13 Under this proposed two stack draft
14 permit, Mirant Potomac River will be held to overall
15 lower emissions rates than in the proposed draft
16 five stack permit and with the merged stack
17 completed will improve local and regional air
18 quality.

19 I know we've heard a lot about the
20 proposed stack merge in the past several months and
21 I'd like to make a few comments specifically on that
22 subject.

1 Is it or is it not a benefit to regional
2 air quality? Computer modeling shows the stack
3 merge is the right investment to solve a very
4 specific phenomenon, down-wash. The stack merge
5 will also improve the regional air quality by
6 reducing overall concentration of emissions in the
7 ambient air. Mirant Potomac River Generating
8 Station will achieve the same results with its
9 internal stack merge as other plants do with much
10 taller stacks. When this plant was located in 1949,
11 the restrictions on stack height made sense at that
12 time and the stack merge in the proposed operating
13 permit make sense today.

14 As will be discussed in greater detail
15 in our written comments, I would like to explain the
16 installation schedule for the stack merge if this
17 permit is issued. Because of PJM, the regional
18 electric grid operators rules which prevent plant
19 outages during the Summer months, we would complete
20 the base loaded units, units 3, 4 and 5, during the
21 Spring outage period and would be able to complete
22 the cycling units, units 1 and 2, this Fall.

1 This protects the electric grid's
2 reliability during the Summer months and at all
3 times Potomac River will operate in a manner
4 protective of the NAAQS, the National Ambient Air
5 Quality standard and consistent with this permit.

6 Again, I would like to thank you for the
7 opportunity to provide these comments regarding the
8 draft permit on behalf of the employees of Mirant
9 Potomac River Generating station. The company will
10 file more detailed comments as requested by the
11 29th.

12 Thank you for your time.

13 BRUCE BUCKHEIT: Excuse me, can you
14 provide us information about this, where you are
15 with respect, I notice the comment that, the
16 description of the proposed permit now talks in
17 terms of a, it's a generic description of the dry
18 sorbent rather than Trona and I understand that you
19 all have been doing some testing and looking at
20 replacing the Trona with sodium bicarbonate.

21 Can you advise us as to what the
22 company's current thinking is with respect to that

1 issue and how that relates to this permit?

2 MIKE STUMPF: I'm not really prepared,
3 but I can make sure that we address that in our
4 comments.

5 BRUCE BUCKHEIT: Okay.

6 VIVIAN THOMPSON: Thank you very much,
7 Mr. Stumpf.

8 CINDY BERNDT: Victoria Gross and
9 Mr. Hansford.

10 VICTORIA GROSS: Good evening members of
11 the Board and thank you for this opportunity to
12 comment. My name is Victoria Gross and I have
13 worked at the Potomac River Generating Station for
14 25 years. I am here today representing my
15 co-workers, many of whom like myself have spent the
16 majority of their working lifetime at this plant.

17 Tonight I want to emphasize how proud I
18 am to be employed by Mirant, a company that
19 genuinely cares about its employees and its
20 neighbors. We don't come to work just to receive a
21 paycheck, but we take pride in the work we do and
22 the service we provide.

1 Most importantly, we know that our plant
2 is operated safely with the needs of the community
3 in mind. Safety is the number one priority in our
4 environment.

5 But I don't just speak today as an
6 employee, I'm also here as a former long-time
7 Alexandria resident, 37 years to be exact. My
8 mother still lives in Alexandria. We do care about
9 the concerns of the City's residents and we believe
10 the stack merge permit is a real solution for
11 Alexandria.

12 This permit will allow the plant to
13 generate the power we need and will make sure the
14 air we breathe, the air my mother breathes is as
15 clean as possible. Please support this important
16 solution.

17 Thank you again.

18 VIVIAN THOMPSON: Thank you very much
19 and thank you for staying within the, we're now into
20 the three-minute rule. I appreciate that very much.

21 DEXTER HANSFORD: Good evening, Board
22 members, my name is Dexter Hansford, I'm shift

1 supervisor of operations at Potomac River Generating
2 Station. I've been employed by the company for
3 19 years.

4 I'd like to share an incident that
5 happened on October the 10th, 2006, yes, over a year
6 ago, but I'm asking that you have the patience to
7 understand why I'm bringing up an old incident.

8 On this date a gentleman approached
9 plant security to request to speak to a supervisor
10 on duty, which happened to be me. He went on to
11 complain that there was a strong odor of SO2 coming
12 from the plant's stack, as well as a lot of smoke
13 that was making a lot of the residents sick.

14 He requested that we shut off the
15 boilers because some of the residents were having
16 trouble breathing. I explained to him that he can't
17 smell SO2 from the plant because all the boilers
18 were off.

19 He then told me that we must have had
20 boilers running because he knew how SO2 smelled and
21 that was, in fact, what he smelled, and that we also
22 were spilling smoke out of the stacks.

1 So at this point I told the resident
2 that I would come out to speak to him. As I exited
3 the plant, the strong smell of sewage from the
4 sewage treatment plant had almost gagged me. At
5 this point I knew what the S02 smell was, so I met
6 with the resident at the gate and I immediately
7 assured him that the plant was completely shut down
8 except for the air compressors. I informed him that
9 the smoke that he saw billowing from the stack was,
10 in fact, steam coming out from a visible vent pipe,
11 not the stacks.

12 At the end of our conversation, I
13 believe he was certain that the S02 smell that he
14 complained about was not from our plant. At that
15 time I told him that I would document our
16 conversation and report it to my supervisor.

17 But later that evening I was left with a
18 big question. This man came to the plant as a
19 spokesman for a group of residents that were
20 sickened by the smell. My question is did he go
21 back to those residents to explain that we weren't
22 the source of the pollution? Or did he leave them

1 thinking that we were the emitters of SO₂ and other
2 pollutants. Were they all left with the thought
3 that this company would pollute our air and don't
4 care anything about us because the smell did
5 continue that evening.

6 These are questions that stayed with me
7 until this day. There are times when the public are
8 given bad information about our plant and this was
9 one classic example of it. But as a spokesman for
10 operators at the Potomac River Generating Station, I
11 would like to express to you that we take a lot of
12 pride in our work providing the service that we do,
13 especially during the dog days of Summer and the
14 stinging cold of Winter which gives us great
15 satisfaction knowing that the folks are truly
16 enjoying the fruits of our labor. We can only ask
17 that you allow us to continue to do our jobs.

18 Our number one priority at the plant is
19 safety and the environment, especially the
20 environment. We always focus on operating so that
21 we operate below what the environmental standards
22 are. The company has spent countless moneys on test

1 equipment, studies, improvements and with the
2 oversight of the environmental agencies have
3 conducted tests to provide enough data to accurately
4 reflect our current operations.

5 Currently reflect that our current
6 operations are not only compliant, but we operate
7 below the Federal and State standards. Much of the
8 data also supports that the stack merge will greatly
9 improve the regional air quality even more, so I'm
10 asking you, Virginia DEQ and the Air Board members,
11 to do the responsible thing and make your decisions
12 based upon the scientific data that supports this
13 project.

14 We understand that the concerns of the
15 residents are real, we also feel that the more
16 educated the residents become about the subject and
17 are presented with the facts to include your
18 findings that they would support it as well.

19 VIVIAN THOMPSON: Could I ask you to
20 wrap up, please, Mr. Hansford.

21 DEXTER HANSFORD: Yes, I will.

22 Last, I would like to reiterate to the

1 residents that were affected by the stench of waste
2 from the waste treatment plant across the river on
3 that night, I can only hope that you were properly
4 respected by the spokesman that night by being told
5 that the smell of SO₂ did not come from our plant.
6 That was your right to have the facts that night.

7 I thank you for giving me the
8 opportunity to speak and I hope that you make the
9 proper ruling based on the scientific evidence, the
10 data that you guys were supplied with.

11 Thank you.

12 VIVIAN THOMPSON: Thank you,
13 Mr. Hansford.

14 CINDY BERNDT: Ernest Lehman and then
15 Julie Crenshaw Van Fleet and then Blakeman Early.

16 ERNEST LEHMAN: Good afternoon,
17 Ms. Chairman, members of the Board. I made a
18 detailed response to the permit by E-mail and I sent
19 that to Mr. Darton. And I have a few other comments
20 to make.

21 It's been almost eight years that the
22 citizens of Alexandria have been beseeching the

1 various Government agencies to protect our air here
2 in Northern Virginia. Outside of the expenditure of
3 huge amounts of money, time and energy, we have
4 woefully little to show for our efforts.

5 The air still remains bad. We are still
6 in a non-attainment area. All during the past eight
7 years we've heard testimony from Attorney John
8 Britton about the cost. I want to add to that,
9 hundreds of people have lost their lives
10 unnecessarily during this period. Thousands of
11 children have had asthma attacks unnecessarily
12 during this period. Tens of thousands of very young
13 citizens have lungs which cannot grow properly
14 during this period and tens of thousands of senior
15 citizens have additional strains placed on their
16 cardiovascular system.

17 So far the only Government Agency that
18 has made a serious commitment to changing the
19 conditions is the City of Alexandria and for that
20 they are to be commended.

21 However, it's been thwarted in every way
22 possible. In addition, the Air Pollution Control

1 Board has attempted to resolve the air quality
2 problems, though its tenure unfortunately is
3 seriously threatened.

4 The corporation involved, the Mirant
5 Corporation, has seen fit to be a cynical,
6 calculating, arrogant and pernicious participant.
7 Rather than add the necessary pollution decreasing
8 improvements at a relatively low cost in comparison
9 to the vast sums it earns, 50 million dollars versus
10 750 million dollars, it chooses the route of
11 litigation, confrontation and denial.

12 Why? Because it's cheaper. The Mirant
13 plant and its parent corporation is a poster child
14 of arrent, egregious corporate misbehavior and in my
15 opinion exhibits bordering on criminal.

16 The Virginia State Department of
17 Environmental Quality and the chain of command
18 leading to the Governor of Virginia has been a
19 willing acescent to the Mirant Corporation. We've
20 aided and abetted Mirant Corporation's demonstrated
21 desire to ignore its corporate responsibility to the
22 communities it serves.

1 The DEQ and its supervisors have totally
2 ignored and it's flaunted, flaunted the Virginia
3 State constitution which states, quote, "It shall be
4 the Commonwealth's policy to protect its atmosphere,
5 the lands and waters from pollution, impairment or
6 destruction for the benefit, enjoyment and general
7 welfare for the people of the Commonwealth."
8 Article 11, Section 1.

9 I'm almost finished. Be advised that
10 the citizenry will no longer accept the state of
11 affairs. We demand that you, the protectors of our
12 welfare, act in a responsible manner you pledged to
13 follow when you assumed your position.

14 Clean up our air.

15 Thank you.

16 VIVIAN THOMPSON: Thank you very much
17 for your comments.

18 JULIE CRENSHAW VAN FLEET: Good evening,
19 I'm Julie Crenshaw Van Fleet. I have worked with
20 the Air Quality Public Advisory Committee at the
21 Council of Governments for almost 15 years.

22 Would you please not flash in my face.

1 Thank you.

2 And I am very familiar with this
3 particular plant and the air quality rules in a
4 non-attainment area.

5 The Agency for toxic substance and
6 disease registry issued a health consultation for
7 the River Terrace community in Washington, District
8 of Columbia, on November 13th of 2007. There is a
9 monitor that is the southern most monitor in this
10 area that is located at 1100 Ohio Drive known as
11 site 42.

12 This is, monitor is at the National Park
13 Service. They measured PM 2.5 for 2003 through 2006
14 and this is what they found.

15 These air monitors located at 1100 Ohio
16 Drive and another one for a maximum -- for 2003
17 through 2006, maximum PM 2.5 levels at neither
18 location exceeded the PM 2.5 24-hour average for the
19 NAX but site 42, which is the National Parks River
20 site, and the site closest to the Mirant plant,
21 exceeded the current NAX 35 micrograms per meter
22 squared for all four years.

1 In addition, site 42 exceeded the PM 2.5
2 annual average NAX in 2005.

3 I'm bringing this to your attention
4 because with a stack merge, you're putting more of
5 this pollution that is befalling on Alexandria up
6 into the air. The River Terrace area is a site
7 where very poor people live and I would call it an
8 environmental justice site. This is something that
9 needs to be considered with this stack merge. What
10 are you doing with this air? What's happening to,
11 what would happen to Arlington? What would happen
12 to the River Terrace community?

13 And that information has not been shown.
14 Does Trona cause an increase in PM 2.5 in power
15 plant emissions?

16 According to the documents that were
17 given from the Mirant people for I guess November
18 the 19th, they said that they would include
19 information to show that Trona is not a problem, the
20 only document in there was from Sulva Chemicals and
21 the gentleman who presented approximately a one-page
22 letter, John Masiak, is a technical development

1 manager for Sulva Chemicals where they buy the Trona
2 from.

3 There is nothing in this document that
4 talks about the effects of Trona. There's no
5 research information about what it does. It merely
6 says that they're the supplier and that they come to
7 the plant on occasion.

8 If the current PM 2.5 monitors at the
9 Potomac River Generating site do not meet EPA
10 criterion, then how can references be made to
11 meeting current or future standards with a stack
12 merge, and I take this directly from the draft.
13 Metropolitan Washington PM 2.5 annual SIP draft of
14 December 12th of 2007. They don't have anything
15 that meets the EPA criterion.

16 So I'm wondering why you would want to
17 make a stack merge when all of these things have not
18 been answered. There is no margin of safety for the
19 area locations right now. There would be no margin
20 of safety for the other locations who would get the
21 effects of the pollution that's just put further up
22 into the air.

1 I think you need a lot more information
2 and a lot more research before you would ever agree
3 to a stack merge.

4 Thank you.

5 VIVIAN THOMPSON: Thank you.

6 CINDY BERNDT: Blakeman Early? He may
7 have had to leave. Christa Watters and Stella Koch
8 and Ms. Chimento.

9 CHRISTA WATTERS: Good afternoon, my
10 name is Christa Watters, I live in Alexandria on
11 North Pitt Street, just two blocks from the Mirant
12 plant.

13 The proposed two stack operating permit
14 will not adequately protect our health, I don't
15 believe. It doesn't meet the National Ambient Air
16 Quality standards for small particulate matter
17 PM 2.5 or for Mercury and both are harmful to human
18 health.

19 We think the permit should provide the
20 most stringent emissions limits essential to
21 protecting our health. There are now ways to
22 measure properly for this. There are now standards

1 for it and you should no longer piggyback this
2 standard on that for PM 10. It's the small
3 particles that are most readily breathed in and
4 lodged in our lungs. Those of us who walk, run or
5 bicycle along the Potomac where the bike path runs
6 right behind this plant are, at the most are
7 breathing in those dangerous particles and they just
8 take more in when they exercise heavily.

9 Other States have implemented laws to
10 control PM 2.5 and we believe Virginia should do the
11 same. The City of Alexandria has suggested
12 solutions for cleaning up the plant's emissions. I
13 support the City's position. The permit should at a
14 minimum require installation of the best available
15 bag house technology. We believe this would help
16 clean up emissions of particles and other toxins to
17 ensure that the plant meets the air quality
18 standards set by the EPA.

19 Meanwhile, on days with low pressure
20 weather conditions, I can still smell sulfur in the
21 air and I know the difference between the sewage
22 plant and sulfur dioxide, it's a great difference.

1 The sulfur dioxide stings your nostrils, it's very
2 sharp, it's very distinctive.

3 This means the plant is emitting the
4 toxin sulfur dioxide at unacceptable levels. Coal
5 dust or ash is still visibly soiling my car, my
6 window sills, the streets and the snow. And the
7 fabric curtains on the fence all around the coal
8 pile are flapping in the breeze, torn, absolutely --
9 since the middle of November have not been repaired
10 adequately. I find that this is a good indicator of
11 whether the plant is truly concerned with cleaning
12 up its coal pile pollution.

13 The State of Maryland has implemented
14 regulations requiring Mirant to clean up its plants
15 there. We're right across the river. Are our lives
16 worth any less than those in other States? I don't
17 believe so.

18 The Department of Environmental Quality
19 should regard it as its first and foremost mission
20 the protection of the health of the citizens of the
21 Commonwealth of Virginia.

22 Instead it seems to regard its mission

1 as protecting big industries like the power
2 companies. Those companies are granted many
3 benefits in this business-friendly State. You
4 should not be permitting them to damage our health
5 simply so that they can make even larger profits.

6 I thank you for listening, I know the
7 Air Board has in the past been one of our few
8 resources aside from the City for dealing with this
9 issue and I hope you will do the right thing. Not
10 just observing the letter of the regulation and the
11 law, but also the spirit of it and really working to
12 improve the law and make it more stringent rather
13 than less. That would truly be a green initiative.

14 Thank you.

15 VIVIAN THOMPSON: Thank you,
16 Ms. Watters.

17 CINDY BERNDT: Stella Koch, is she --
18 she left, okay.

19 Ms. Chimento.

20 ELIZABETH CHIMENTO: Good afternoon
21 members of the Board and Director Paylor, thank you
22 for coming to Alexandria.

1 As I stated in my January 18th letter to
2 you, the disparity between the Board's directions
3 and the DEQ permit before us today is deeply
4 troubling.

5 The Board at its November 30th meeting
6 specified a step-by-step process for DEQ to follow
7 in resolving Mirant's NSR issues which were
8 precipitated by the facility's three physical
9 changes and resulting assertions made that PM
10 emissions had increased.

11 The Board instructed DEQ to use its
12 defined process to determine an annual PM limit for
13 Mirant to be included in this permit. The Board
14 further instructed DEQ to ask for public comment in
15 this permit on, A, whether it's all needed and, B,
16 whether the numbers are right.

17 Contrary to the Board's directions,
18 however, the Agency permit not only excludes the
19 pivotal NSR PM issues and the outlined process for
20 their resolution, but omits as well the Board's
21 request for public comment.

22 Why this fracture between the Board's

1 instructions and DEQ's subsequently developed
2 permit? What are we citizens to think when the
3 Board requests our comments and the DEQ, in effect,
4 denies them?

5 I am also concerned that the Agency
6 continues to use PM 10 as a surrogate for PM 2.5,
7 even though this is a crude and accurate measuring
8 method for determining small particle emissions. I
9 made this comment at the November 19th public
10 hearing on the fast track permit.

11 Further, I've recently discovered that
12 using PM 10 as a surrogate for PM 2.5 is based on an
13 EPA guidance memo that unlawfully bypassed the
14 required public commenting process.

15 As a result, using PM 10 as a surrogate
16 for PM 2.5 cannot be used in permitting since it is
17 only now and retroactively out for public comment.

18 The permit before us today not only
19 ignores the Board's directions and excludes them,
20 but demonstrates multiple other problems, as well.
21 The Agency categorizes this permit as comprehensive,
22 yet simultaneously omits limits for both Mercury and

1 PM 2.5.

2 As I stated before, our initial and
3 continuing concerns about this plant's emissions
4 beginning in 2001 focused on PM 2.5 and its
5 insidious effects on public health.

6 Yet seven years later, after repeated
7 requests by both citizens and the City, this permit
8 provides no PM 2.5 limit. Coupled with the omission
9 of a PM 2.5 limit is the access of sufficient
10 control technology to curb small particle emissions.
11 To that end, only bag houses can provide that
12 necessary level of control.

13 The City's analysis shows that the
14 plant's electrostatic precipitators installed many
15 years ago are incapable of providing adequate PM 2.5
16 control.

17 The City is striving to protect
18 Alexandria's health, has provided DEQ with standard
19 modeling methodologies used by other States to
20 establish and enforce PM 2.5 NAAQS compliant emission
21 limits for stationary sources.

22 Maintaining these limits is critical

1 since Northern Virginia is an EPA designated
2 non-attainment area for PM 2.5.

3 VIVIAN THOMPSON: If you can wrap up,
4 please, Ms. Chimento.

5 ELIZABETH CHIMENTO: Sure.

6 In conclusion, most disturbing to me is
7 the process that brought about this permit; that is,
8 the disjunction between the Board's instruction and
9 the Agency's developed permit. In essence, we are
10 commenting on a DEQ re-invented document which omits
11 both the Board's directions and its requests for our
12 comments.

13 As a result, this permit and public
14 hearing make a mockery of what should have been a
15 respectable, trustworthy public process based on the
16 Board's instructions seamlessly carried out by the
17 Agency.

18 Thank you.

19 VIVIAN THOMPSON: Thank you very much.

20 CINDY BERNDT: Arthur Rundol,
21 R-U-N-D-O-L. Okay, and then after him is Chip Drury
22 and then Ronald Kirby.

1 ARTHUR RUNDOL: If it please the Board,
2 thanks for the opportunity to provide comments. I'm
3 a resident of Old Town Alexandria, I live within the
4 down-wash plume of the Potomac River Station. I'd
5 prefer prompt approval of the proposed permit. I've
6 looked at the detailed memo of December 21st that
7 was sent to Terry Darton regarding the detailed
8 analysis, modeling and the results. If those are
9 correct, the permit stands.

10 Now if there are other issues, we'll see
11 that, but I heard a report tonight that the City had
12 a study done. I want to see that report, try to
13 review it and see whether or not it makes sense.

14 Let me tell you my reasons for my
15 position. My reason needs more affordable
16 electricity, not less. Merging the stacks reduces
17 the unacceptable concentrations of emissions at
18 ground level both locally and regionally.
19 Continuous monitoring coupled with the real-time
20 modeling that's spelled out in the memos that you've
21 had access to will provide a natural layer of
22 environmental protection that I haven't seen

1 anyplace else. Real-time monitoring and modeling
2 helps you decide what to do the next day and whether
3 or not to turn back the plan. That makes sense and
4 it should be used here.

5 The other issue that I have, I've heard
6 all this discussion about PM 2.5, but as we all
7 know, PM 2.5 has precursors from a lot of places and
8 the most significant source is diesel fumes, so
9 we've got all this truck traffic on I-395,
10 14th Street Bridge, we have all this jet engine
11 exhaust, which is diesel fuel, at Reagan National
12 and we have all the traffic, the truck traffic
13 across the Woodrow Wilson Bridge, so if we have
14 concerns about that, and they are serious, the EPA
15 analysis, there's data out there that says diesel
16 fumes create a problem.

17 We've got a new issue now about Jones
18 Point Park and putting a playground for children
19 beneath the diesel fumes, so we better get that
20 straight as a baseline as we go through this.

21 But I applaud the permit and the
22 analysis, I look forward to seeing the rest of the

1 information.

2 Thank you.

3 VIVIAN THOMPSON: Thank you.

4 CINDY BERNDT: Mr. Drury.

5 CHIP DRURY: I'm Chip Drury, another
6 Alexandria resident. Although I'm not in the plume
7 of the plant, but I really don't have an ax to grind
8 here and the last speaker just stole a lot of my
9 thunder, but the thing that I was going to emphasize
10 was that I don't see the plant in a vacuum as making
11 all of the contribution to the air pollution and
12 there are other factors where, as the last speaker
13 just said, we're at the verge of increased demand
14 for electricity.

15 The next car I hope to buy is going to
16 be a plug-in hybrid and the amount of contribution
17 that will make to cleaning the air quality is great,
18 but I need electricity to use it. So, I don't, it
19 sounds to me some of these -- what came across to me
20 as shrill arguments, I don't believe that the
21 Department of Environmental Quality is any more than
22 I am interested in harming the environment and I

1 think putting restraints on our power generation is
2 going to have just a lot of unintended consequences
3 and I would ask you to please trust the
4 professionals at the Department of Environmental
5 Quality to do the right thing and not to put these
6 artificial roadblocks in the way of our electric
7 production.

8 Thank you.

9 VIVIAN THOMPSON: Thank you, Mr. Drury.

10 CINDY BERNDT: Mr. Kirby.

11 RONALD KIRBY: Good evening, my name is
12 Ron Kirby, I'm a resident of the City of Alexandria.
13 I'm a retired environmental engineer with the EPA.
14 I was involved in the regulatory process and
15 permitting process for water programs.

16 I moved to Alexandria about three years
17 ago and became interested in this process when I
18 attended a debate for election of the City Council
19 and one of the participants there said, the first
20 thing she said was my goal is to close Mirant.

21 So I wondered about that for some time,
22 being that coal is one of the main products of

1 southwestern Virginia. Many jobs depend on it.
2 Coal is also one of the most efficient ways and
3 cheapest ways to make electricity, which we needed.

4 In my work at EPA, and I found out,
5 industry generally was very interested in meeting
6 their requirements. They essentially just wanted to
7 know what are the requirements.

8 I know ya'll have gone through this
9 process for a number of years and now we have a
10 draft permit and I believe that it is time that this
11 permit be passed.

12 As a member of the Bright Ideas group,
13 we have met numbers of times, I send out an E-mail
14 and in just the last few days urging that they sign
15 a petition to the Board. And in just a couple of
16 days, I have received over 40 responses from City of
17 Alexandria persons and also Bright Ideas have also
18 received over 60 letters from City of Alexandria
19 residents in the last few days.

20 So we, numbers of us do support this and
21 I wish to submit these to the Board for their
22 consideration.

1 I thank you very much.

2 VIVIAN THOMPSON: Thank you, Mr. Kirby.

3 CINDY BERNDT: Maurice Dannell?

4 UNIDENTIFIED SPEAKER: He had to leave.

5 CINDY BERNDT: He had to leave, okay.

6 Ralph Hunt and Gwen Cooks. Thank you.

7 RALPH HUNT: Madam chairman, members of
8 the Board, my name is Ralph Hunt. I live down, just
9 down from the landing area and have been a resident
10 off and on for, since 1964, and, again, some of my
11 thunder has been stolen by the presentations that
12 you've already heard about. I would like to talk
13 about the future.

14 The thought of throwing obstacles in the
15 path of the Mirant Corporation to provide power for
16 the Alexandria area is something to be deeply
17 considered. If we look to the future in terms of
18 statements made by PJM and other people who are in
19 the provision of -- in the position of directing
20 power distribution, power generation, so forth and
21 so on, one has to be concerned that the future is
22 going to come upon us rather soon, like they say,

1 2011. Hey, that's only three years away and we're
2 mighty short of power generation capability as it
3 stands.

4 I've done a little bit of surfing on the
5 Internet to see what's been happening and all I can
6 say is that we should take whatever steps are
7 necessary to keep the Mirant plant in operation
8 because we're going to need it.

9 Thank you very much.

10 VIVIAN THOMPSON: Thank you, Mr. Hunt.

11 CINDY BERNDT: Gwen Cooks and then James
12 Taylor..

13 GWEN COOKS: Good afternoon members of
14 the Board, my name is Gwen Cooks and I've been
15 employed with the company Mirant coal since 1975 in
16 and out of the plants. My health is fine and so are
17 my lungs. I work at the plant and I have no problem
18 in displaying my Mirant shirt as I walk the bike
19 path and also as I shop in the City of Alexandria.

20 You know, when I think back and I, we
21 used to have our plant picnics at Potomac River and
22 I used to bring my nieces and nephews to the plant

1 and I had no problem bringing these young children
2 to the plant worrying about the plant environment.
3 I worried more about second-hand smoke than I did
4 the plant.

5 Also, when you think about it, you know,
6 my friend and my family always say, Gwen, why are
7 you always talking about Potomac River, why are you
8 always in the paper? And I tell them I don't know.
9 You know, I talk to our plant manager, we have plant
10 meetings, he's always stressing the technology that
11 we're trying to do to improve the plant and also he
12 keeps the employees real informed about what's going
13 on and also that we are operating in compliance.

14 I think this stack merger is good for
15 the environment, it's definitely good for the City
16 of Alexandria and for the plant and I ask you to
17 please consider all the facts and to please pass
18 this permit.

19 Thank you.

20 VIVIAN THOMPSON: Thank you, Ms. Cooks.

21 CINDY BERNDT: After Mr. Taylor will be
22 William White.

1 JAMES TAYLOR: Good evening, thank you
2 for the opportunity to speak.

3 My name is James S. Taylor, I'm an
4 independent consulting engineer. I live just south
5 of the beltway in Fairfax County. I lived in
6 Alexandria from 1972 to 1982.

7 BANANA, Build Absolutely Nothing
8 Anywhere Near Anything. That was the theme in
9 California up until very recently and it led to
10 black-outs, brown-outs, a decreased quality of life.

11 I'm sure in the 17th and 18th Century
12 the quality of the air in this part of the world was
13 pretty good, but I choose not to go back to the 17th
14 or 18th Century, I want to live in the 21st Century
15 and enjoy light, heat and the wonders of modern
16 technology.

17 I'd just like to leave it at that.
18 Thank you, very much.

19 VIVIAN THOMPSON: Thank you, Mr. Taylor.

20 CINDY BERNDT: After Mr. White will be
21 Mr. Effler.

22 WILLIAM WHITE: My name is William

1 White, I live in Alexandria. I apologize, I didn't
2 hear about this meeting until this morning and
3 didn't have any time to prepare anything. I'm a
4 little intimidated by all the glossy slides and
5 presentations and all of that. I can't compete with
6 that.

7 As I said, I live in Alexandria. I, one
8 of the things I love to do is spend time down on the
9 waterfront. I'm down there about 30 weekends a year
10 sitting on the dock. I, one of the things I hate
11 when I'm sitting down there, when somebody comes
12 along and sits beside me and lights up a cigar. I'm
13 one of the ones that screams the loudest when, about
14 smoking in restaurants, I get up and leave the
15 restaurant when somebody comes and sits near me when
16 I can smell the smoke.

17 The reason I do that because I'm very
18 particular about what goes into my lungs. I'm very
19 particular about my waterfront, as I think of it,
20 and am very possessive about that, very particular
21 about what happens to it.

22 I worked at the Potomac River plant in

1 the early '80s. That's where I cut my teeth as a
2 young engineer. I've worked at that plant a total
3 of about oh, six or seven years. I don't work there
4 now, but I've worked in similar power plants for the
5 last 30 years.

6 Every year my annual lung capacity test
7 that I take, I'll blow about a 98.5 to 99 percent,
8 98 -- 99.99 percentile of the overall population.
9 And that's working in power plants like this for
10 30 years.

11 I don't think I could do that if there
12 were these gross health effects that I hear, you
13 know, people talking about, you know, babies dying
14 in the streets and all of that kind of stuff. I
15 don't think I could do that if it was really that
16 harmful for you.

17 Most of the people that I know and have
18 worked with in the past 30 years, they're pretty
19 healthy folks.

20 I haven't heard anything about any
21 studies that show that people that work in power
22 plants have more health problems than other people

1 do, than the general population.

2 I think if it were really that harmful,
3 you'd see that and most of the people I know are
4 more healthy than the average population. I do know
5 some people that have worked in power plants that
6 have died from lung cancer. Most of them smoked
7 cigarettes.

8 VIVIAN THOMPSON: If you could wrap up,
9 please, Mr. White.

10 WILLIAM WHITE: Okay.

11 So, I'd just ask you to be a little bit
12 reasonable and look at things like that as far as
13 health effects and get away from all the hype and
14 the glossy presentations and watch meters jumping
15 and registers and look at, look at some of the
16 people that live around there. You can't get any
17 closer to it.

18 I heard one man talking about a study,
19 800 meter perimeter. Heavens, I'm 800 inches, I'm
20 8 inches away from it, I've crawled through those
21 boilers at Potomac River and in pretty good health.

22 Thank you.

1 VIVIAN THOMPSON: Thank you very much.

2 CINDY BERNDT: Richard Effler. And then
3 next is Christopher Danette, Denette?

4 CHRISTOPHER DAUCETTE: Daucette.

5 CINDY BERNDT: That's an S? If you say
6 so.

7 RICHARD EFFLER: Ladies and gentlemen of
8 the Board, my name is Richard Effler. I'm an
9 architect. I've worked for over 38 years for the
10 Federal Government at Naval Facilities Engineering
11 Command. I also spent my last eight years there
12 working in the Medical Facilities Design Office,
13 which is concerned with medical problems and things
14 of that sort.

15 I, too, am somewhat concerned about all
16 the hysterical verbiage that has come about today
17 and it seems like the two sides are like talking to
18 a brick wall. One side gets up and saying people
19 are dying, the kids are dying, the old ladies and
20 old gentlemen are dying and the next person comes up
21 and says I've worked at the power plant for 18 years
22 or something like that and I've never had a problem

1 with my health.

2 Now I would think people that lived
3 there would have a problem. I believe that one
4 small thing is that if, if you've ever traveled
5 anywhere or want to know what the weather's going to
6 be like, first thing you go and do is turn on the
7 weather channel. And honestly, I have never seen a
8 north, south, or east, west orientation in the wind
9 pattern. It's always been west to east or south to
10 north, and with the stacked merge solution with its
11 high pressure vertical exhaust would certainly push
12 these particulates well out of the range of any,
13 anyone's breathable air.

14 Now the gentleman that was up here, the
15 legal counsel for the, for the Council of Alexandria
16 City said that some firm which does environmental
17 stuff had said at the worst possible conditions,
18 which means that it's raining all the time or
19 something, he thinks he lives in Seattle I guess, I
20 don't know, but this is, it's ridiculous, you cannot
21 predicate a worst case scenario to exist for years
22 at a time.

1 Around here the air quality is really
2 pretty good. So, anyway, I would suggest that the
3 Air Board very carefully assess the source of the
4 complaints and also arrive at a good conclusion
5 based upon the facts, not worst case scenarios.

6 Again, my, my work as an architect, I
7 worked on two projects at Quantico when I was in the
8 architectural branch and we did coal conversion
9 projects and installed precipitators and did all
10 that sort of thing, so I know it's handleable. And
11 apparently when the gentleman from, I believe it
12 was, oh, let's see, I don't know if it was Mirant,
13 who was up here talking about the, both the cold
14 side and hot side precipitators that were installed
15 eliminated 99 percent of the SO₂ and Mercury
16 contaminants.

17 Now if you're left with 1 percent, at
18 that point, and then you take that 1 percent and do
19 a stack merge to reduce the amount of particulates
20 and then shoot it up into the atmosphere, it doesn't
21 seem like there would be enough particulate at the
22 ground level to disturb anybody.

1 So I thank you very much and I urge you
2 to kindly review the information from knowledgeable
3 sources, not considering the worst case scenarios
4 and come up with an approval of this permit.

5 Thank you very much.

6 VIVIAN THOMPSON: Thank you, Mr. Effler.

7 CINDY BERNDT: Mr. Daucette. And then
8 Roger Waud.

9 CHRISTOPHER DAUCETTE: Yes, my name is
10 Christopher Daucette, I'm a private citizen in the
11 City of Alexandria, I live in the Delray section,
12 have lived here for almost 30 years. I'm in support
13 of the motion that is being entertained here and
14 discussed today, principally because as someone once
15 said, democracy is not the most perfect form of
16 Government. As a matter of fact, it is probably the
17 most inefficient form of Government there is,
18 however, whatever is in second place is way, way
19 behind it.

20 And this, to me, is what I've been
21 observing today. I'm really frustrated by the fact
22 that we have been arguing over this for the past

1 seven, eight, nine, whatever years that people were
2 talking about. I would hope, please, that we could
3 come to some agreement that the company that is
4 involved certainly sounds as though it is more than
5 willing to talk with anybody and work arrangements
6 out and sitting here and pasting each other with
7 health issues or what have you is not, doesn't seem
8 very constructive to me.

9 And so I'm, my plea to the Board would
10 be please, please work something out. We have been
11 spending more time than necessary on something that
12 shouldn't be rocket science.

13 Thank you for listening.

14 VIVIAN THOMPSON: Thank you,
15 Mr. Daucette.

16 CINDY BERNDT: Roger Waud. And then
17 Patricia Smith and Debra Johnson.

18 ROGER WAUD: Hi, I'm Roger Waud. Thanks
19 for hearing me out. I know you guys have listened
20 to me before. I'm a professor of economics. I've
21 served with the National Bureau of Economic
22 Research, with the Federal Reserve Board as senior

1 economist and with my background what I'd like to
2 say is that there's a misconception here.

3 We're all for having more electricity.
4 We're all for seeing that people get employed.
5 That's not the issue. If I'm running a business, a
6 production process, I incur costs in producing
7 whatever product it is --

8 CINDY BERNDT: Madam chair, if he's, if
9 you're going to address the Board, you're not going
10 to, your comments are not going to be picked up and
11 be put into the record.

12 ROGER WAUD: All right. All right. So,
13 as in any business, that comes with it, you incur
14 costs.

15 Now, it is not legal for me to send a
16 bill to somebody who doesn't buy my product. I mean
17 if you've got a bill from some company from whom you
18 never bought anything and they gave you a charge,
19 what would your reaction be? You'd say what is
20 this, this is ridiculous, I'm not paying this and of
21 course you shouldn't. It's not legal.

22 Now, when we're talking about this

1 particular company, you're producing electricity and
2 selling it to people. God speed. But we have
3 estimates such as from the Department of Energy that
4 there are health costs that result from this
5 production that are borne by people who are
6 non-consenting to the contract between the seller,
7 the electrical company, and the consumer.

8 And they're having significant bills for
9 that production process imposed upon them. Nobody's
10 against producing more electricity. Nobody's
11 against employing more people, but in any business,
12 the business should incur all of the costs itself
13 and pass that on in the price of the product they
14 sell. Can't be fobbed off on non-willing,
15 non-consenting third parties.

16 We've had an estimate here from the
17 Department of Energy saying that the direct costs,
18 yearly costs in the eastern United States of the
19 Mirant plant are 185 million dollars a year. We've
20 had an estimate from the Department of Energy that
21 says in the 36 square mile grid around the plant
22 that the mortality costs per year incurred by the

1 public are 17 million.

2 All we're asking is please put those
3 costs back into the plant where they belong, where
4 they should be incurred and paid for. How do you do
5 that? You install bag houses, you do all of those
6 things that are necessary to clean the air up
7 sufficiently so that costs are not -- are not laid
8 off on unwilling third parties out there in the
9 public.

10 And, I might add, that it is my
11 understanding that Mirant's electricity does not go
12 to Virginia, it goes to Maryland, it goes to D.C.,
13 so Alexandria is really paying the cost for
14 something they don't even buy from this particular
15 outfit.

16 Thank you.

17 VIVIAN THOMPSON: Thank you, Dr. Waud.

18 CINDY BERNDT: Patricia Smith. Debra
19 Johnson. After Ms. Johnson is Beverly Fourier.

20 DEBRA JOHNSON: Hi, thank you members of
21 the Board. My name is Debra Johnson. I'm the
22 President of the Board at Harbor Terrace

1 Condominiums. We are immediate neighbors to the
2 power plant and I am going to address this Board as
3 one of the hysterical citizens that was described
4 before.

5 UNIDENTIFIED SPEAKER: Thank you.

6 DEBRA JOHNSON: I'm hysterical for a lot
7 of reasons, but one particular reason is a couple
8 years ago my doctor called me and said you need to
9 come into the office, I'll stay here until you get
10 here, no matter how late.

11 When I arrived at the office, he had a
12 box of Kleenex ready and he said you have about
13 90 percent probable chance of having lung cancer.

14 As you can imagine, I was floored and I
15 went through -- every three months I go through CAT
16 scans, but I have growths, nodules on my lungs.
17 It's not a cancer, but they can't explain where it's
18 coming from, so, yes, I'm a hysterical citizen who
19 lives and breathes the air next door to the Mirant
20 power plant.

21 As the Board President, I was written a
22 letter by one of our residents who was told she's

1 going into George Washington Hospital to have a lung
2 biopsy because she, too, has been told that there's
3 a high probability that she has lung cancer.

4 I have never wanted to close the Mirant
5 power plant. I have lived next to it since 1985,
6 but I want it to be good and I want it to follow the
7 rules.

8 I want it to have the CEMs for all
9 particulate matters installed. I want a bag house.
10 If that's what the citizens are asking, why is the
11 company fighting it? If the Board wants this, why
12 is the company fighting it, other than it's an
13 expense they don't want to make.

14 In the permit I want -- I, I didn't read
15 the permit myself and I apologize, but I want to
16 know about fines imposed. I didn't see anything
17 about any kind of action taken against the plant if
18 they exceed any of the limits in what's already in
19 the existing permit -- or the permit that's up for
20 discussion today.

21 Thank you for bringing it up that the
22 electricity doesn't go to anybody in Virginia, let

1 alone Alexandria.

2 Please listen to our elected City
3 officials and the experts that we have representing
4 the citizenship of Alexandria and the neighboring
5 areas. Please listen to them, they have spent six
6 years fighting the fight and trying to see that the
7 power plant puts out safe, breathable air.

8 Thank you.

9 VIVIAN THOMPSON: Thank you,
10 Ms. Johnson.

11 CINDY BERNDT: Beverly Fourier and then
12 Ana Prados.

13 BEVERLY FOURIER: Thank you for this
14 opportunity to speak to you. My name is Beverly
15 Fourier, I'm from Arlington, Virginia, and I live
16 about six miles north of the Mirant plant. I do
17 have a chronic lung disease and, which I, in fact,
18 got from indoor air pollution in my former
19 workplace, which was a Federal Government Agency.

20 What, what this sort of thing can cause
21 in people is rhinitis, sinusitis, bronchitis and
22 asthma, or the emissions can aggravate those

1 conditions. Bronchitis is now the fourth leading
2 cause of death in the United States. According to
3 the American Lung Association, women are twice as
4 likely to develop conditions such as bronchitis.

5 The people who work at the Mirant plant,
6 they're very fortunate, those of you who have good
7 lungs, but those of us who don't have good lungs, we
8 need, we need the Board to listen to our needs, too.

9 I'm very concerned about the use of
10 Trona. Here is the material safety data sheet from
11 the Sulva Chemical plant of Houston, Texas, and it
12 states that repeated exposure to irrespirable
13 crystalline silica particles can cause adverse
14 health effects such as silicosis, a progressive lung
15 disease, and possibly cancer. It also can cause
16 rashes. In February 2007, a year ago, I started
17 developing strange rashes in the Wintertime and I
18 got it again this Winter. I don't know what they're
19 coming from, but rashes is one of the things Trona
20 can cause.

21 It's a very caustic irritant, so it
22 irritates the entire respiratory tract. I brought

1 just a basket full of some of the medications I have
2 to use or some of the things of irrigating my
3 sinuses, of nebulizing, of using all kinds of, you
4 know, medicines and this costs a great deal of
5 money. It's not just me, I'm out of pocket several
6 thousand dollars a year, but the medical insurance
7 has to pay a whole lot more than that. If you
8 multiply that by all the people, all of us, it
9 increases the cost to all of us of our medical
10 insurance. Plus, think of the ethical issues. It's
11 immoral, I feel like I'm -- you know, when it's a
12 really bad day and there's a down-wash, I can't go
13 outside. If I go outside even to pick up the
14 newspaper, my lungs are sick the whole rest of the
15 day.

16 Also, I just wanted you to see, I want
17 to look in your eyes and I want you to look in my
18 eyes, I'm the one who's going to die prematurely
19 from this.

20 And those up there who are laughing at
21 me, those who work at the plant, some of them, I'm
22 the one, I want you to see the face of people, I'm

1 only -- I'm 62 years old now. I'm just at the
2 beginning of the baby boom generation, what's going
3 to happen to all the rest of the people who have
4 lung diseases.

5 Thank you.

6 VIVIAN THOMPSON: Thank you very much.

7 CINDY BERNDT: Ana Prados. And then
8 Mr. Aliriza.

9 ANA PRADOS: Good afternoon, my name is
10 Dr. Ana Prados, Air Quality Chair of the Virginia
11 Chapter of the Sierra Club. I'm here representing
12 our 16,000 members, also speaking on behalf of the
13 Virginia Native Society and also speaking on behalf
14 of the Audobon National Naturalist Society of
15 Virginia and their 5,000 members in the D.C. area.

16 We join the City of Alexandria in urging
17 the Board to oppose this permit in its present form.
18 Our major concern is as stated, that this draft does
19 not set emission limits for PM 2.5 and allows an
20 increase in a number of other pollutants. One of
21 our biggest concerns here is also an increase in the
22 short-term emission limit for the SO2 and as we

1 know, they're already having issues caused by Mirant
2 of SO₂.

3 We believe now that we have many cleaner
4 energy alternatives at our disposal and given that
5 the facility is no longer needed for electrical
6 reliability, it is our belief that Mirant should
7 either install bag houses and reduce its Mercury
8 emissions considerably or reduce output to a level
9 that is fully protective of public health and the
10 environment and not just in Alexandria, but
11 regionally.

12 DEQ continues to refuse to consider the
13 health impacts of PM 2.5. Number one, Mirant is the
14 single largest source of PM 2.5 north of Virginia.
15 Number two, the D.C. area is already barely in
16 attainment of PM 2.5 and as I'm sure you all know,
17 the EPA scientists themselves recommended an annual
18 PM 2.5 NAAQS limit that is lower than what, than the
19 one that was finally adopted. In other words,
20 Alexandria residents are already exposed to a
21 background of unhealthy PM 2.5 concentrations, even
22 in the absence of the Mirant plant.

1 Third, the City of Alexandria has
2 already done a lot of modeling, this has been done
3 for a number of years now showing severe PM 2.5
4 exceedances near the PRGS using established EPA
5 protocols and models. And, fourth, the monitors at
6 Marina Towers have measured PM 2.5 concentrations
7 that are above the 24 hour NAX in 2007.

8 Given that Virginia, also given that
9 Virginia DEQ is already currently developing the
10 PM 2.5 SIP now with this permit, it is time to
11 determine the PRGS contribution to primary and
12 secondary PM 2.5 in the D.C. non-attainment area,
13 not after the approval of the SIP. We also believe
14 that any SOP issued to Mirant should be consistent
15 with the CAIR rule, with the CAIR limits for NOx and
16 SO2. According to this draft SOP, as Bill Skrabak
17 said earlier, not only will they be able to emit NOx
18 that is considerably above the 24-month baseline,
19 but it's also quite a bit above the CAIR limit for
20 NOx.

21 There is no recent room to introduce
22 this ambiguity between the CAIR and the SOP and they

1 should be consistent, so any operating permit should
2 make explicit this requirement given the region's
3 non-attainment status and that's it.

4 Thank you.

5 VIVIAN THOMPSON: Thank you very much,
6 Dr. Prados.

7 CINDY BERNDT: All right, I'm going to
8 spell this, it's A-L-I-R-I-Z-A representing
9 Polytrade International Corporation.

10 BAHRI ALIRIZA: Right.

11 CINDY BERNDT: And how do you pronounce
12 it?

13 BAHRI ALIRIZA: My name is Bahri
14 Aliriza, President of Polytrade International Corp.
15 I want to thank members of the panel and also for
16 the audience for being here and for giving me the
17 opportunity to talk today.

18 I live in Ashburn, Virginia. I belong
19 to a number of environmental organizations as well
20 as energy organizations and my company deals with
21 the environment with air pollution, so that's all I
22 do and that's all I focus in on. And I know the

1 situation with the Mirant power plant, it was first
2 brought to my attention I guess about two years ago
3 and at that point I was so involved with other
4 things, but I did contact the Mirant power plant and
5 somehow I must have been shuffled in the
6 negotiations, somehow I was referred to a, one of
7 the consulting companies and nothing much came of
8 it.

9 But I guess what I'm trying to say is
10 there are a lot of concerns. We're all here
11 because, about 50 of us, 50 percent of us think that
12 we're going to go, you know, we either have to lose
13 or win but it doesn't really have to be that way.

14 My environmental organization that I
15 belong to, they were very concerned about this and,
16 I mean Ashburn, Virginia, which is in Loudoun
17 County, and I also belong to the Chesapeake Private
18 Action Network which is over in Maryland and much
19 other organizations and we have the technology that
20 will reduce the emissions by 38 to 60 percent. And
21 all I ask is that, and it doesn't have to be my
22 company, I'm sure there's other companies out there

1 that will do a similar job or at least a little bit
2 similar to it, but the opportunity for responsible
3 business to listen to companies out there, whether
4 they're big, but it doesn't have to be big, it can
5 be a small company, maybe such as mine, that can
6 also do it without the elaborate, big, hundred
7 thousand dollar testing reports that they might wish
8 that they would like to see because proof is in the
9 pudding. You just do it and it either works or it
10 doesn't work and we've just seen that there are some
11 products out there that work and my company happens
12 to be one of them.

13 And I did talk to a couple of people
14 from Mirant today and I think that they are more
15 willing to take a closer look and try doing
16 something which I think is good and that's all I
17 ask, is that, you know, whoever it is, because our
18 product works with a power plant which is using it
19 already and it also works with a plant right here in
20 Alexandria that's also using our product. And, but
21 the main thing I think is any company, the important
22 thing is that they should be a responsible company

1 and they should be willing to try to do something,
2 so you should be looking at are they trying to do
3 something and because we all need energy, too. We
4 have reached the peak energy. There's more demand
5 right now for energy than there is supply, so there
6 has to be an equilibrium, there has to be some kind
7 of a win/win situation, so hopefully we can do that.

8 Thank you.

9 VIVIAN THOMPSON: Thank you,
10 Mr. Aliriza.

11 CINDY BERNDT: Cate Watters and then
12 Paul Hertel and then Cindy Patterson.

13 UNIDENTIFIED SPEAKER: Cate Watters left
14 already.

15 CINDY BERNDT: She left, okay.

16 Then Paul Hertel. And then Cindy
17 Patterson.

18 PAUL HERTEL: I don't have fancy stuff.
19 But I'll just leave it here so you can see these.

20 My name is Paul Hertel, I reside at
21 1217 Michigan Court and this is the PM 10 we collect
22 basically every week and that over there, you can

1 see the clean and the dirty, that's a HEPA filter
2 and the dirty one is the PM 25 that we collect
3 monthly and that unfortunately is the way our lungs
4 look, that's from our bedroom.

5 We started this a long, very long time
6 ago. At that time the narrative of the plant and
7 the DEQ was that the Venturi system blew the
8 pollutants way up in the air where the wind blew
9 them far, far away and that what we had in our
10 neighborhood was just common dirt.

11 Only when faced with irrefutable
12 scientific evidence did the DEQ cry uncle. The
13 director of air quality enforcement relayed to us
14 that they knew, they knew there was down-wash, but
15 they chose not to study it. Instead, you waited
16 until citizens managed to provide irrefutable
17 evidence of its existence.

18 This permit does not meet the National
19 Ambient Air Quality standards for either PM 25 or
20 Mercury and this is actually quite simple. The air
21 mod model shows the maximum levels of PM 25 that can
22 be sustained without breaching the National Ambient

1 Air Quality standards and combined with continuous
2 emission monitoring system, these levels would
3 provide the protection envisioned by the
4 environmental laws as opposed to the ones of the
5 jungle by which I mean survival of the fittest that
6 the DEQ is proposing.

7 Currently the limiting factor is the 38
8 18 limit without which the plant will be able to be
9 back where we started eight years ago, effectively
10 discarding all the scientific knowledge accumulated
11 through all these years. Let's not fool ourselves.

12 Mirant has challenged the 38 18 rule in
13 Court and possible trading provisions are being
14 contemplated by the legislature, either of which
15 will enable the plant to bring back the good old
16 days of 2000. I do not believe the legislature
17 deliberately wants to harm us, but the fact is that
18 the DEQ permit as drawn up does not provide
19 stringent enough emission limits that are essential
20 for the protection of our health, let alone meet the
21 National Ambient Air Quality standards.

22 If the Trona is so effective, why do we

1 repeatedly smell sulfur? And this is not the sewage
2 type kind here, no way. This is down-right sulfur
3 that we are smelling. As a matter of fact, my
4 sister came down from Pennsylvania, walked out the
5 door and said, gee, it smells of sulfur here.

6 Along those lines, why did the DEQ allow
7 the plant to use data from only one bottom boiler to
8 change the model, the only boiler that did not
9 experience a significant increase in the opacity
10 levels in the Trona injections. Higher opacity is
11 not a good thing. To be frank, higher opacity
12 combined with frequent sulfur smells suggests that
13 you do not have a handle on this situation.

14 Mr. Paylor, I'm not going to belabor our
15 plight. The living at Nethergate and smelling
16 sulfur is exactly what you're putting us through,
17 along with every other person living or moving into
18 the surrounding neighborhood. My wife now spends
19 three days every month at the hospital because of
20 the DEQ.

21 There are ways to resolve this. We have
22 to support the City's contention that the bag house

1 technology is a minimum requirement for continuous
2 operations in a manner that ensure the plant meets
3 the National Ambient Air Quality standards. The
4 plant should have undergone a new source review and
5 forced to implement these changes. Furthermore,
6 other States have implemented efforts to control
7 PM 25, why not Virginia.

8 The City of Alexandria has solutions,
9 why not follow them. Other States have. And I just
10 want to finish with saying why do some of you think
11 that we are worth so much less than other people?

12 And I think Dr. Waud explained it very
13 eloquently, our health cannot be left to people who
14 have historically chosen to ignore the science, the
15 laws and inevitably our health for the sake of
16 keeping this plant operating at maximum capacity.
17 So many days we step outside to smell the sulfur
18 dioxide reminds us the health risk that the DEQ is
19 asking us to bear.

20 Thank you.

21 VIVIAN THOMPSON: Thank you, Mr. Hertel.

22 CINDY BERNDT: After Cindy Patterson is

1 Susan Brown and Jessica Miller.

2 CINDY PATTERSON: Hi, I am Cindy
3 Patterson, 3000 Sasfra Tree Court, South Bridge,
4 Virginia, District of Dumphries.

5 Distinguished Board members, I am
6 talking for myself, my three teen-agers and my
7 husband. I am honored to be able to speak in front
8 of the Virginia Air Pollution Control Board. You
9 have a vast amount of experience, intelligence and
10 wisdom. I testified in Richmond to keep your Board
11 and your ability to deny permits.

12 I am saddened that DEQ seems to be on
13 the side of the polluter and not on the side of the
14 healthy citizenship and a healthy environment.
15 Mirant needs to install up-to-date air pollution
16 technology. This technology will give us plenty of
17 energy until Mirant can shut down permanently. We
18 can then replace the polluting plant with green
19 energy, giving even more jobs to Alexandria than
20 what Mirant is now giving. I ask you to deny the
21 two stack permit.

22 Thank you.

1 VIVIAN THOMPSON: Thank you,
2 Ms. Patterson.

3 CINDY PATTERSON: And who do I give this
4 to?

5 Thank you.

6 CINDY BERNDT: Susan Brown and then
7 Jessica Miller.

8 SUSAN BROWN: Well, this is fairly
9 intimidating, I'm a new resident to the City of
10 Alexandria, don't know many of these issues, but I
11 was compelled to come here today and just try to
12 find out more. And as I learned more, I really felt
13 compelled to say something.

14 And the more I learned today, well, and
15 also I'm that guy's neighbor with the filter so now
16 I'm really concerned. You know, I learned a lot
17 about one of my neighbors. I learned really scary
18 words like fugitive emissions, toxic pollutants,
19 fine particulate matters, over fired air, invisible
20 emissions and a lot about secrecy which is really
21 concerning.

22 And from what I've heard, I'm really

1 disappointed with the proposal you're considering.
2 It doesn't really seem like it deals with many of
3 the concerns that you've been hearing about and it
4 certainly seems like you all could do a lot better
5 and I hope that you will work to improve this, this
6 permit.

7 As a new resident I would also, I'm just
8 really proud of the City that I live in. I'm really
9 proud of the City officials and all the work that
10 they're doing to make sure that you have the best
11 information possible, all of the extra expense that
12 my City is going to to prepare materials and reports
13 and other things so that you have this information
14 because apparently it's not really being provided in
15 other ways. So I'm very proud to be a resident of
16 Alexandria and I join them in asking you to reject
17 this permit and do whatever is the process to
18 improve it.

19 You've heard from so many folks that
20 this just really doesn't seem to have the science,
21 the medical, all the other things that certainly I'm
22 not qualified to speak about, but you have all of

1 the experts and materials that it seems like the
2 City and others are providing, so I encourage you to
3 take a look at the recommendations and I think that
4 you'll have many, many residents here and other
5 places who are going to be very disappointed if this
6 Board does not look carefully at this and try to
7 improve this because we're talking about our health
8 for our citizens and the health of our communities
9 and for those of us who have this neighbor, we
10 really look to you to help strengthen this permit.

11 Thank you.

12 VIVIAN THOMPSON: Thank you very much.

13 CINDY BERNDT: Jessica Miller.

14 JESSICA MILLER: Good evening. I am
15 coming to you as a student and as a representative
16 of the generation of future leaders and hopefully
17 future citizen Board members.

18 The fact is is that your authority and
19 your power to protect us is in question. The very
20 Governor that gave you your positions have
21 bold-facedly lied to me and my fellow classmates at
22 the end of last year's administrative session. He

1 said that he stood up for cities that were being
2 built, being bullied by powerful entities like
3 Mirant.

4 The fact is is that the power plant
5 workers are separate from this company and this
6 company is also responsible for a landfill that does
7 not test its ground water for arsenic or selenium,
8 two of which have been based in concentrations since
9 Trona has been added to this process.

10 I stated this three times before in
11 front of you, well this being the third, and I have
12 been speaking to students across the country.
13 6,000 students gathered at Maryland's University a
14 couple months ago, all learning about how to
15 globalize on issues like this and, most importantly,
16 how to make the most impacting change because this
17 will and is affecting us.

18 I encourage you to use the power that
19 you have left for hopefully longer than this
20 administrative session to really do what you're
21 supposed to do since it seems like DEQ has been
22 bought out, the EPA has been bought out, I canvassed

1 members of the EPA who have been so frustrated,
2 they're broken down in tears inside of their house
3 after coming back from their work because they're
4 not able to do what they applied to do at EPA, which
5 is protecting the environment and protect the public
6 which live in that environment.

7 I am working on green, the curriculum at
8 Northern Virginia Community College. It is good to
9 hear that there is an actual academic mind in here
10 that has clearly stated that this is an issue of
11 profit before people and there seems to be conflict
12 here between democracy and capitalism.

13 I certainly hope that in more simplified
14 terms you can look at the scientific data that is
15 here in front of you, as conflicting as some of it
16 might be, you have the experts, you have the
17 knowledge and hopefully you have the time to really
18 go over this and to make a decision that will
19 encourage bringing the jobs that the power plant
20 could provide which would enrich their work
21 experience and make it more viable for possibly
22 other plants if there's a final decision that it's

1 closed.

2 The citizens are concerned about their
3 jobs, I'm concerned about my own and my ability to
4 still live in Alexandria, Virginia. It's very, very
5 important to me that the divide that I've seen
6 growing is, is gapped because the fact is is that
7 the knowledge of what this plant is capable of doing
8 lies in the hands of the people working in it, but
9 if they continuously feel attacked, then they're not
10 going to come with us and work with us to create a
11 solution that can resolve this issue.

12 You have a good evening. Thank you for
13 your patience and have a good night.

14 VIVIAN THOMPSON: Thank you very much,
15 Ms. Miller.

16 CINDY BERNDT: Katy Cannady and then
17 Mary Harris.

18 KATY CANNADY: I'm Katy Cannady, a
19 resident of Alexandria. Thank you to the members of
20 the Board for coming to hear us.

21 Americans, as a people, are optimistic.
22 I think that's partly because our national history

1 shows steady progress through increased scientific
2 knowledge. We are people that generally believes in
3 science and in progress, but there can be no
4 progress when we choose to ignore scientific facts.
5 We know that PM 2.5 is an unhealthy, insidious
6 poison that humans cannot choose not to ingest if
7 it's in their atmosphere. Other States recognize
8 the danger of PM 2.5 and regulate it to protect
9 their citizens. Why should Virginia be more lax?

10 A better solution to massive emissions
11 of dangerous pollution near the Mirant plant would
12 be installing bag house technology, not a stack
13 merge. All the stack merge does is spread the same
14 or possibly greater pollution over a wider area.
15 This is not progress.

16 Alexandria has a right to cleaner,
17 healthier air. We can all talk about diesel fuel
18 and all these other pollutants that we live with,
19 but we do know that the Mirant power plant is the
20 single biggest polluter in the City. We'd have to
21 wave away an awful lot of diesel trucks before we
22 get to what Mirant is spewing out.

1 Alexandrians, we have a right to cleaner
2 air and we're not looking for an opportunity to
3 share our misery, which is what this stock merge
4 would do.

5 It's a basic duty of Government at all
6 levels to protect people, the citizens from those
7 things which they cannot possibly protect themselves
8 from and Mirant is as good an example of that kind
9 of an entity as I know of.

10 And, therefore, we have to ask you to do
11 for us what we cannot do for ourselves and protect
12 us from excessive pollution from this plant due to
13 its refusal to install modern technology.

14 Thank you.

15 VIVIAN THOMPSON: Thank you.

16 CINDY BERNDT: Ms. Harris.

17 MARRY HARRIS: Thank you. Before I
18 begin, I'd just like to thank the Board and ask the
19 photographer to refrain from taking any photos, my
20 publicist doesn't allow it, and I assume that the
21 photographer is here on behalf of the Board?

22 UNIDENTIFIED SPEAKER: No. We don't

1 know --

2 UNIDENTIFIED SPEAKER: No, okay.

3 MARRY HARRIS: Media?

4 UNIDENTIFIED SPEAKER: No, I'm not
5 media.

6 MARRY HARRIS: Oh, okay, well, my
7 publicist doesn't allow any unauthorized
8 photographs, so if you can just do that.

9 I'd like to thank the Board today for
10 coming to Alexandria and I'm Mary Harris, I live at
11 501 Slater's Lane. I'm on the Board of Directors of
12 the Marina Towers Condominium Association. We have
13 over 500 residents living at Marina Towers and over
14 25 employees that work there and on behalf of them,
15 I would like to endorse the comments of the City of
16 Alexandria. Our attorney is also submitting more
17 detailed comments within the comment period to the
18 Board.

19 We ask you to reject the two stack
20 permit. As you know, our concern at Marina Towers
21 for a long time, and we've been supporting the Board
22 and the Virginia DEQ and Mirant by having a variety

1 of monitors on our roof. They continue on our roof
2 today. I understand that the DEQ and Mirant have
3 had for more than a year a PM 2.5 monitor on our
4 roof and I'm here to tell you that the good news for
5 us is that we're not all dead and some of us are
6 able to come and attend these hearings after eight
7 years. And it has been eight years that we've
8 actually been engaged with the State and the City of
9 Alexandria.

10 It's actually been almost 20 years that
11 we have been petitioning the State and the City
12 Government and also PEPCO before Mirant to actually
13 install best available control technologies, to
14 undertake new source review when they first
15 petitioned in 1988 to expand their plant and the bad
16 news, though, for those of us who are vulnerable,
17 and approximately 20 percent of the people that live
18 in Marina Towers are, in fact, vulnerable, they're
19 over 65 years old, many of them have chronic
20 conditions that subject them to, to conditions such
21 as asthma, COPD and others and the bad news for them
22 is that we still live in an area that is not in

1 attainment for either ozone or PM 2.5, that we live
2 next door to a power plant that is the largest
3 single source of both of those emissions and that
4 that plant causes down-wash under certain
5 conditions, but unfortunately much more than we
6 would like on our building and for our residents.

7 If Mirant is needed for the foreseeable
8 future, we urge you to take a look at this permit,
9 to make sure that it does meet NSR, new source
10 review, a synthetic new source review if I've got
11 the lingo correct and that we do have best available
12 control technology, lowest achievable emissions
13 wherever they are possible.

14 All we are asking is that if this is
15 needed, then please, please, please give us a permit
16 that is comprehensive, that deals with the issues
17 that we have brought up for all eternity, which the
18 dust emissions in our homes which continue to this
19 day unabated from our point and that we get a permit
20 that is both comprehensive and stringent and that
21 does the right thing.

22 Thank you very much.

1 VIVIAN THOMPSON: Thank you, Ms. Harris.

2 CINDY BERNDT: The last speaker is Judy
3 Miller.

4 JUDY MILLER: My name is Judy Miller,
5 representing the League of Women Voters of
6 Alexandria. I am their President. I have appeared
7 before you before. I have had a speech prepared at
8 that time. It will be almost the same as what I've
9 said before.

10 We've been here for over five years
11 studying this air. The City officials have talked
12 to you, other people who live nearby have talked to
13 you. I live about three miles away from the plant
14 and it is getting very wearying for us, to try to
15 listen to us and to protect our interests. We
16 appeal to you, we hope that you will listen.

17 Thank you.

18 VIVIAN THOMPSON: Thank you, Ms. Miller.

19 CINDY BERNDT: It looks like I might
20 have had, lost a card or something that was
21 misplaced here. Vince Petirni, now I see it, I'm
22 sorry.

1 VINCE PETIRNI: Good evening, my name is
2 Vince Petirni. I was born in Washington, D.C., grew
3 up over in, just across the river here in
4 Fort Washington, Maryland, and moved to Alexandria
5 about four years ago so, you know, I'm from this
6 area here and just listening to most of the comments
7 tonight, it seems that the problem is more what the
8 standards that are being set by the DEQ than with
9 the Mirant power plant. And I don't know the
10 workings of the Virginia Government that much, but
11 it seems to me this may not be the appropriate
12 place, there may be other avenues for which this
13 should be pursued.

14 But one thing I do know is that if we,
15 if this permit is denied and the electricity
16 generation begins to go down or is, even worse, shut
17 off line, you'll be trading one set of health issues
18 for another set of health issues. The less
19 electricity we have, the less electricity there will
20 be to run air conditioning and other items
21 throughout the Summer and that of course is also
22 very detrimental to the health of the elderly and

1 elder people with health issues.

2 And also taking the plant off line or
3 draining the output of the plant which if the energy
4 is going into Maryland and D.C. is being a bad
5 neighbor because we all live in the same community
6 here and if, it is very clear as to who the Potomac
7 River belongs to, it belongs to Maryland and D.C.
8 and those of us who live in Virginia would probably,
9 would probably scream bloody murder if D.C. and
10 Maryland decided to restrict our access to water in
11 the Potomac River.

12 And, finally, let me just say yes, I do
13 support the stack merge and I also support having
14 cleaner air and cleaner water. I honestly don't
15 know anybody who wants to breathe the dirty air or
16 drink dirty water and we could replace the coal
17 fired power plant with a power plant that won't
18 reduce -- type of power plant that won't produce any
19 kind of airborne emissions, but I believe that some
20 of the opponents of this plant would also oppose a
21 nuclear power plant being built in the middle of
22 Alexandria.

1 Other ways of saving electricity that
2 could be lost is through conservation, but with
3 growing energy demand, as this area continues to
4 grow, is going to call for, again, types of
5 conservation that can only be achieved through
6 totalitarianism and I don't believe that's what
7 this, where you want to go and when I think of
8 totalitarianism, I think of the quote from Patrick
9 Henry who said, "Give me liberty or give me death."

10 So I thank you for your time and have a
11 good evening.

12 VIVIAN THOMPSON: Thank you,
13 Mr. Petirni.

14 Are we through with comments?

15 I understand that it's traditional to
16 have a brief question and answer session, but before
17 we do that, I believe that Mr. Buckheit has a
18 procedural concern.

19 BRUCE BUCKHEIT: This is in the interest
20 of overall efficiency of getting this resolved.

21 In October Mirant conducted tests of a
22 possible substitute for Trona as a sorbent and that

1 would be sodium bicarbonate.

2 I have asked DEQ staff on several
3 occasions where is the data, where is the data.
4 They've pursued it and Mirant tells us that it's not
5 available yet from their consultant, their testing
6 consultant. I don't think we can make a meaningful
7 decision about these permitting issues without this
8 data and without the public having an opportunity to
9 review and comment on this data.

10 Now I understand that these data are
11 hoped to be available very soon, but basically I
12 don't want to get us in a situation where we have a
13 meeting scheduled on, what, February 7th to attempt
14 to make decisions respecting this issue without the
15 public having an opportunity to look at this data
16 and to tell us what they think it means and to allow
17 the Board members to -- actually maybe even think
18 about what it means.

19 And so what I'm suggesting as a
20 procedural matter is that the comment period for
21 this particular permit be left open for
22 approximately two weeks after the data are provided

1 to us all by Mirant.

2 You know, we would seek to find some
3 time shortly after that when the Board members can
4 get a mutually-agreeable date to meet and schedule
5 the decision meeting on this permit issue, but, you
6 know, and I don't fault Mirant. If the consultant
7 hasn't gotten them the data yet, so be it, but I
8 also don't think, see how we can make a decision on
9 this without having this data to look at.

10 VIVIAN THOMPSON: And so your motion is,
11 please?

12 BRUCE BUCKHEIT: Just that, I don't
13 know, I'm not even sure that it needs a motion, just
14 that we suspend or put off the February 7th -- it's
15 not a motion.

16 VIVIAN THOMPSON: Okay.

17 It's the sense of the Board, I
18 believe -- yes, yes, we agree.

19 HULLIHEN MOORE: Let me ask, if I may,
20 Mr. Paylor something, if the, when the data come in,
21 is there a way those data can get on the Website so
22 that everybody can get to them right away and then

1 maybe the comments will be more --

2 DAVID PAYLOR: There is none --

3 UNIDENTIFIED SPEAKER: Yes. What we
4 have we're putting it on the Website.

5 CINDY BERNDT: We've already started
6 putting, right, we've already started putting up the
7 comments on the two stack, putting it up on the
8 Website.

9 HULLIHEN MOORE: I'm talking really
10 about the data --

11 CINDY BERNDT: When the report comes in?

12 HULLIHEN MOORE: When the report comes
13 in.

14 CINDY BERNDT: I don't know what it's
15 going to look like, what size it's going to be, but
16 I'm sure we can get it up there.

17 DAVID PAYLOR: Cindy, what I'm not
18 familiar with is the matter of logistics; how you
19 can set the end of the public comment period on a
20 yet to be determined action and how that would be
21 communicated, because clearly the public needs to --

22 BRUCE BUCKHEIT: Well, we would have to

1 post with the data, say that the data is in and
2 here's the new --

3 CINDY BERNDT: Yeah, we could announce
4 the receipt of the report and the availability of
5 that report and the comment period closing two weeks
6 after that date.

7 DAVID PAYLOR: And would that pass
8 muster with all of the notice requirements that we
9 have?

10 CINDY BERNDT: I don't see why not.
11 It's more notice than we're required to do by
12 regulation, so I think we have some flexibility to
13 act. More is always better than --

14 BRUCE BUCKHEIT: Well, there's five days
15 notice on the meeting.

16 CINDY BERNDT: And five days notice on
17 the meetings.

18 VIVIAN THOMPSON: Okay. Do you need any
19 more information from us in that regard?

20 DAVID PAYLOR: I don't believe so. I
21 think we're going to have to figure out how to --

22 VIVIAN THOMPSON: I, we have also

1 scheduled a brief question and answer session --

2 CINDY BERNDT: You may want to go ahead
3 and actually recess the hearing, those Q and A
4 hearings are not normally part of --

5 VIVIAN THOMPSON: They're informal?

6 CINDY BERNDT: Yeah, they're informal,
7 off the record sort of things.

8 VIVIAN THOMPSON: All right, well I
9 would like to once again thank everyone who has come
10 and who has provided thoughtful comments from all
11 sides of this issue. Certainly we have spent an
12 enormous amount of time on this. You have, too, and
13 I, I thank you for your input tonight.

14 With no further ado, I'm going to
15 adjourn the public hearing. Those who wish to stay
16 for an informal Q and A session with the DEQ may do
17 so.

18 CINDY BERNDT: Thank you very much.

19 (Public Hearing adjourned 7:04 p.m.)
20
21
22

1 CERTIFICATE OF NOTARY PUBLIC

2 I, MONICA A. VOORHEES, the officer
3 before whom the foregoing deposition was taken, do
4 hereby certify that the witness whose testimony
5 appears in the foregoing deposition was duly sworn
6 by me; that the testimony of said witness was taken
7 by me in stenotype and thereafter reduced to
8 typewriting under my direction; that said deposition
9 is a true record of the testimony given by said
10 witness; that I am neither counsel for, related to,
11 nor employed by any of the parties to the action in
12 which this deposition was taken; and further, that I
13 am not a relative or employee of any counsel or
14 attorney employed by the parties hereto, nor
15 financially or otherwise interested in the outcome
16 of this action.

17

18

19

MONICA A. VOORHEES

20

Notary Public in and for the

21

State of Virginia

22